

Law Enforcement News

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Officer: "I'll see you in court." Civilian: "Not so fast."

Since 1982, California law enforcement officers have had the right to sue citizens who made false complaints against them — but no longer. In October, the state law extending that right was struck down by a Federal judge who found the statute to be a violation of First Amendment rights and a form of content-based discrimination that conferred privileges on a unique group of public officials without serving a compelling government interest.

The ruling stems from a 1997 case involving Myron Gritchen, a Long Beach man who filed a complaint about the conduct of a police officer during a traffic stop. When the Police Department found the allegations to be untrue and the officer innocent of misconduct, the officer threatened to sue Gritchen. The constitutionality of the statute under which the suit would have been permitted was then challenged by the American Civil Liberties Union of Southern California.

In ruling on the case of Gritchen v. Collier, U.S. District Judge Gary L. Taylor declared that the California law "restricts defamatory speech against one group of public officials (peace officers) while leaving intact the protections for defamatory speech against other public officials."

California cops lose their right to sue for false civilian complaints

Taylor called it content-based discrimination because speech about one group is treated differently than speech about other public officials.

While some states allow lawsuits to be brought by any public official, only California permits lawsuits by police officers alone. Said George W. Pring, a sociology professor at the University of Denver who co-authored a book on the subject: "The widespread official and quasi-official support for police lawsuits against citizen complainants presents a pervasive and daunting problem." Pring was one of several academicians who filed briefs in the Gritchen case.

"Police unions and associations have openly

expressed their support for such lawsuits," he said in his brief. Pring quoted a statement from a national police union magazine asserting that "where we have struck back [with lawsuits], the number of police brutality complaints dropped sharply."

Judge Taylor's ruling came as a disappointment to the California Organization of Police & Sheriffs, said the group's director of political affairs, Kelly Moran.

"Our concern," Moran told Law Enforcement News, "is what recourse does a peace officer have when his good name has been disparaged by a citizen?" Under the law, a police officer may bring a suit if an individual has filed a complaint alleging misconduct, criminal conduct or incompetence that was made with the knowledge that it was false and/or made with spite, hatred or ill will.

"It allows just those officers who have been defamed an opportunity to try and redress and win back somehow their own good name," said Moran. "What recourse do they have if a citizen just comes out there and makes any kind of accusation against the officer that is not truthful."

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Chiefs say it again: A little preventive medicine goes a long way with kids

Police officials have once again given their resounding endorsement to the notion that youth violence can be better prevented in the long run by investing money in after-school activities and other programs aimed at children, rather than by hiring more police officers, said more than two-thirds of police chiefs polled in October.

The results of a new poll of police chiefs were released at the annual conference of the International Association of Chiefs of Police conference by "Fight Crime Invest in Kids," a Washington-based nonprofit organization. Chiefs were asked to select their top priority among four youth-violence prevention measures.

More than two-thirds — some 69 percent — of the 556 respondents chose

after-school programs, compared to 13 percent who answered that hiring more officers was the solution. Seventeen percent said that prosecuting more youngsters as adults was the best measure, while just 1 percent chose installing more metal detectors and surveillance cameras in schools.

Charlotte-Mecklenburg, N.C., Police Chief Darrel Stephens, who played host to the IACP conference, said the results came as no surprise to him.

"I think as more people have looked beyond the impact of the criminal justice system, it [has] become more clear to many people in policing, not just the police chiefs who were polled, but all the way to the officers on the street, that longer term solutions mean we have to focus on children as they grow up, go

to school and struggle with the issues that childhood brings," he told Law Enforcement News.

The poll results will be used by Fight Crime: Invest in Kids to push for additional funding from Congress to expand child care and after-school programs. Sandy Newman, the group's president, said that at a minimum the group would like to see the \$800 million in childhood initiatives proposed by President Clinton to be restored to the Federal budget, after lawmakers had trimmed it earlier this year.

Using metal detectors and other security devices will not root out violence in the nation's schools, Newman told The Charlotte Observer. "In an average week, 40 kids are killed in America by violence. That's 150 Littletons a

year," she said, referring to the massacre at Columbine High School in Colorado in April.

The call for increased funding has been endorsed by the Major Cities Police Chiefs Association, the National Sheriff's Association and the Police Executive Research Forum. Said Stephens, a former executive director of PERF: "I believe, and I think that poll indicates that others believe, that that is where we should be putting more of our money."

Community policing, Stephens noted, is about partnerships with other institutions and the community to try to approach problems and solve them in more effective ways. "I think there is some pretty clear research about the impacts of programs like Head Start," he told I.A.C.P. "There is a belief that if we are able to help kids educationally — even if we are just able to provide some kind of direction and guidance after school hours — that's a pretty valuable thing to do. And there are direct payoffs in the amount of crime and drug abuse problems we have."

Mecklenburg District Attorney Peter Gilchrist pointed to studies that show juvenile crime tripling after the end of the school day. Students who do not attend after-school programs are six times as likely to be convicted of a crime during their high school years than students who do attend, according to other studies he noted.

"Investing in our young people and investing in families are much more cost-effective than the investment we make in building prisons," said Richmond, Calif., Police Chief Joseph Samuels in The Observer.

Pilot project seeks to create a mosaic of troubled youth, one piece at a time

Gang members and others who wear their discontent on their skins in the form of tattoos and other telltale signs are easy to pick out, but these days school officials are perhaps more concerned about the type of students who seem quiet enough but have the potential to erupt into the type of homicidal rage witnessed in April at Columbine High School in Littleton, Colo.

To aid teachers and school administrators in spotting children who may be on the brink of violence and in weeding out actual threats from teen-age bombast, computer software currently used for risk assessment by some Gov-

ernment agencies and police departments is being tailored for use by the nation's high schools. The software, Mosaic-2000, begins a national pilot program in December, with testing at more than 20 schools.

While the actual sites for the pilot program have yet to be chosen, the software will be tested in grades 1 through 12, with a focus on high schools. It will only involve students who have given cause for concern, school officials stressed. Moreover, they say, the program will not breach confidentiality of student records and will not be linked to any central data base.

Mosaic-2000 is still being formulated, but basically it uses carefully worded questions about student behavior based on case histories of people who have turned violent. The program ranks troubled children on a scale of 1 to 10.

Some 200 experts in law enforcement, psychiatry and other fields were used to help shape the questions, which range beyond alarming talk or behavior to such areas of concern as a student's access to guns and abuse of animals. They allow a range of answers, from the student who has no known gun possession to those who acknowledge

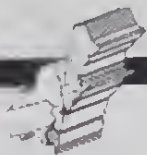
friends with access to firearms. While not all the questions may be answered, officials conceded, the more that are effectively met, the more credible the rating would be for principals who decide to seek help from specialists.

"It brings together the shared experiences of many experts plus an evaluative piece," Ohio Attorney General Betty D. Montgomery told The New York Times. "It says, 'Look, we've gone back and spoken to X number of people who have committed these crimes, and these are the risk factors we feel are present in their lives.'"

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Around the Nation

Northeast



DISTRICT OF COLUMBIA — Nine more intersections in the capital will be equipped with cameras that take pictures of license plates when drivers run red lights. That will bring the total number of cameras now deployed to 23, and officials say some 20 more cameras will be installed over the next few months.

MAINE — Waterboro may get its first around-the-clock police patrol in light of the town's growing population. The town, with a population projected to reach 7,200 next year, has prompted an increased number of calls to the York County Sheriff's Department and the State Police, which currently patrol the area. Some 2,000 calls for service are generated every year.

Voters in Maine in November approved an initiative that allows patients suffering from certain diseases to use marijuana for treatment. Patients will have to cultivate their own medical marijuana or buy it from drug dealers.

MARYLAND — Baltimore's first civilian review board was sworn in by Mayor Kurt Schmoke on Nov. 5. The 10-member review board, which will monitor police actions and review complaints against the department, was established by the City Council following the fatal Oct. 7 shooting of Larry Hubbard, a black man who police said reached for an officer's gun.

Baltimore police rookies recently traveled to the United States Holocaust Museum in Washington in order to learn a lesson in sensitivity. It was one of the trainees' last off-street lessons before they graduated on Nov. 5. The sensitivity program was begun last year in partnership with the Anti-Defamation League and the Metropolitan Police Department in Washington.

MASSACHUSETTS — A Suffolk Superior Court Judge issued a preliminary injunction that blocks the state from taking action against sex offenders who do not register with authorities, as public defenders argue that the state's sex offender registry law is unconstitutional. The judge also ruled that authorities may not share sex offenders' identities with the FBI.

The U.S. Justice Department has given Warren police and the town's middle school a \$48,000 grant to study bullying in a school and find ways to stop the growing problem.

NEW JERSEY — In order to increase minority applicants to the State Police Academy, police will no longer require applicants who lack a four-year college degree to have in its place at least two years of college plus two years of military or law-enforcement experience. In addition to two college years, other civilian employment experience will now suffice. In a related development, State Police officials have asked 2,000 minority applicants who were denied entrance to the academy over the past five years to reapply, as part of a settlement negotiated with the NAACP over discriminatory hiring practices.

The Newark Police Department set out

to cut down on violence in the department with a series of stress-reduction training seminars conducted with the New Jersey Medical School. The seminars are intended to educate officers about potential stressors, alert them to a confidential hot line for emergency treatment needs, and look at how well such educational prevention programs might help stop violent behavior.

Convicted cop killer Thomas Trantino, who has been imprisoned for 36 years for the 1963 murders of two police officers in Lodi, will spend at least 4½ more years behind bars. A Nov. 10 ruling by the state parole board said that Trantino was still a danger to society because of actions related to the fatal shootings of Sgt. Peter Voto, 40, and probationary officer Gary Tedesco, 21.

The State Senate is considering a bill that would give back pay and reimbursement for legal fees to troopers who are suspended because of charges later determined to be unfounded. State law currently mandates such assistance to municipal police officers, but not for state troopers.

A former president of the New Jersey Policemen's Benevolent Association, Frank Ginesi, 77, was charged Nov. 16 with stealing more than \$1 million in union funds and using the cash to buy cars, jewelry, and real estate. Also charged with fraud was Ginesi's top aide, William Saksinsky, 67, a retired Perth Amboy police officer. The two allegedly created a slush fund into which they funneled PBA assets to be used at their personal discretion.

Atlantic City Detective Michael Strehle, a 24-year veteran, committed suicide Nov. 12 after flunking the department's first random drug test. On disability since May, he had been taking medication for a back injury.

NEW YORK — Serious domestic abuse complaints against New York City police officers have climbed 35 percent in the last year, according to a report based on city statistics. Critics say the department, which has rarely fired officers found guilty of domestic abuse, lacks an aggressive stance on the issue, especially compared to cities like Baltimore, where officers are immediately fired upon being found guilty of domestic abuse offenses.

NYPO Officer Mark Acosta, 32, was charged Nov. 16 with attempting to possess and distribute five kilograms of cocaine. An informant in a DEA sting operation said Acosta provided narcotics loads in exchange for \$9,000.

New York City's first online drug ring was busted with the Nov. 16 arrest of 13 members of a Staten Island gang. Officers received a tip last December that drugs such as Ecstasy were being sold via America Online chat rooms by members of the gang known as the Gods of Mass Destruction.

The New York City Civilian Complaint Review Board has been asked by the NYPD to stop citing officers for lying. The department believes that such cases, of which there have been 65 this year, should be handled internally. The board has so far rejected the request.

New York has become the first state

with the capability of checking crime scene fingerprints against the FBI's national data base, using an electronic transmission system.

A Federal appeals court ruled Nov. 18 that New York City violated the free-speech rights of members of the Latino Officers Association when the Police Department refused to allow them to march in parades in uniform. Members of the 1,500-member group had sought to wear their uniforms in a Hispanic heritage parade on Oct. 10.

The state ONA data base of violent felons now includes kidnappers, burglars, arsonists and drug dealers, after a law went into effect that increases to 107 from 21 the number of offenses requiring criminals to submit ONA samples.

On Oct. 20, a U.S. District Court judge rejected New York City's attempt to block a lawsuit charging that the NYPO Street Crimes Unit violated the civil rights of black and Latino suspects during so-called stop-and-frisk efforts.

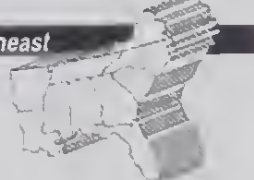
A state appeals court on Nov. 9 upheld New York City's policy of seizing the cars of people accused of driving while drunk. Officers have seized 1,183 vehicles since the program began in May.

PENNSYLVANIA — Home security surveys are now being offered free to Pennsauken residents by the Police Department's Crime Prevention Unit. Under the Light Up/Lock Up program, the township pays for repairs to improve home security for senior citizens with incomes below a certain level.

More than a thousand women who reported sexual assaults in Philadelphia over the past 20 years have had their cases dropped into bureaucratic limbo, according to a report in The Philadelphia Inquirer. Up to a third of all complaints received by police were placed in a "non-offense" code that did not designate rapes or any other crimes.

VERMONT — Some 100 women have been convicted of domestic assault in Vermont as of September, up from fewer than 10 women in 1994.

Southeast



ALABAMA — Authorities trying to crack down on video gambling machines have been hindered by the state's 1996 "Chuck E. Cheese" law, which permits restaurants to offer children coupons that can be exchanged for merchandise. Video machine vendors say they offer merchandise instead of cash for those who win the games.

FLORIDA — Community leaders in Broward and Orange counties received thousands of drug-testing kits which were to be passed on to parents for use in the home. The group Drug Free America Inc. distributed the free kits, which allow parents to check results anonymously by telephone.

The state's convicted burglars may be required to submit samples for a DNA data base, if a proposed legislation is approved by the state Legislature. According to the Florida Department of

Law Enforcement, over half of the state's rapists started out as burglars.

The Seffner group home for juvenile offenders in Tampa will be closed, following the escape of 11 youths from the facility over the past six months.

Eight-year-old Iesha Cotton returned a police radio dropped by Miami Detective Ronald Rahming after he collided with a robbery suspect during a foot chase. Police rewarded her honesty by buying her a new bicycle to replace the one that had been stolen.

North Miami police Detective Fred St. Amand Jr., 28, was fired Nov. 8 by Police Chief Thomas Hood after internal investigators concluded that he had masturbated in front of a female city employee at police headquarters. The decision was made after a carpet sample tested positive for semen, and statements were taken from 14 co-workers.

GEORGIA — Fulton County officials are looking into possible ethics violations after 100 county police officers received \$1,000 checks from the World Changers Ministries in College Park. The church gave the officers the money in appreciation for services rendered to the community. Among the recipients was Chief Louis Graham, who retired Nov. 12.

Mike Archer, a former Cobb County police officer who was demoted after he turned in a colleague for cocaine possession, lost an appeal for a Civil Service board review on Oct. 18. Archer was demoted from sergeant to patrolman in August after he found cocaine in the home of Officer Andrew Lynch, who subsequently quit the department. No formal charges have been filed against Lynch. Archer, who was demoted because he took too long to report finding the cocaine, resigned Sept. 28 after appealing his demotion. Archer had alerted internal affairs the day after he found the drug and logged it into a police evidence locker.

Atlanta police are looking for at least 31 bulletproof vests, worth \$16,275, that have turned up missing in action. The vests were shipped from Florida by truck on Oct. 31 but never made it to their destination.

LOUISIANA — The school drug-test policy in New Orleans that makes all students eligible for drug tests will probably remain in place, although it may be made more specific after Orleans Parish School Board members raised concerns about singling out athletes for drug tests. A statewide requirement has gone into effect that calls for all schools to have drug-screening rules for student athletes, but the New Orleans public schools policy states that all students may be tested for drugs if teachers have a "reasonable belief" that a student is using drugs.

New Orleans police have impounded 2,657 uninsured cars in the latest effort to get the vehicles off the streets. Random checkpoints and insurance checks during routine traffic stops have helped nab uninsured drivers.

NORTH CAROLINA — Abner Nicholson, who was charged with killing his estranged wife and the Sharpsburg police chief who responded to a domestic violence call, was convicted

on two counts of first-degree murder on Nov. 10. Police Chief Wayne Hathaway and Gloria Nicholson were shot in the July 1997 incident, for which Abner Nicholson now faces the death penalty.

SOUTH CAROLINA — The Piggly Wiggly Carolina Corp. has donated \$3,000 to Berkeley County law enforcement agencies for the purchase of camera equipment to photograph domestic-violence victims. The cameras, which will include time and date stamps to document the abuse, have proven effective in Charleston County to help prosecute abusers, because by the time a suspect goes to court, the victim's bruises have healed.

TENNESSEE — Although the Collierville Police Department on Nov. 3 filled three lieutenants' positions that became available earlier this year with promotions to captain, the force is still without an assistant chief, and Chief Larry Goodwin says he is in no hurry to fill that slot. Newly promoted to lieutenant were Chris Locke, Greg Flint and Oavid Townsend.

Memphis Police Officer Oon Overton was killed Oct. 12 after his cruiser was rammed by a stolen car driven by shoplifting suspects. Four teenagers, all of them alleged to be members of the Black Stone gang, have been charged with murder.

Midwest



ILLINOIS — Legislation is under discussion by a group of state lawmakers that would require law enforcement agencies to destroy confiscated or obsolete weapons rather than sell them to gun dealers. The Illinois State Police saves some \$800,000 each year by trading in guns, Chicago police forces are already destroying such weapons.

INDIANA — Orville Lynn Majors was sentenced Nov. 15 to 360 years in prison for the killings of six of his patients by lethal injection at Vermillion County Hospital in Clinton.

The Northwest Indiana Law Enforcement Training Center in Gary has a new leader, following the Oct. 22 resignation of Fred Behrens amid allegations that \$12,000 was missing from the center's accounts. Paul Haluska, a former Lake County Sheriff's Department commander, becomes the new director of the center.

KENTUCKY — A former Bardstown police officer was charged Oct. 20 with removing or destroying over three kilos of cocaine from the department's evidence room. Christopher A. Jackson, 29, was indicted on 52 counts of theft and other crimes relating to evidence from drug arrests in 1997 and 1998 that has not been recovered. Drugs were found at Jackson's house after evidence was reported missing last May.

Lexington city leaders may vote next year to install cameras at traffic signals to catch red-light violators. In the first half of this year, Lexington police caught 2,448 people running red lights. Nine fatal crashes involving red-light violations have occurred over the past five years. The cameras would cost \$70,000 each, with start-up costs to be

paid by fines issued to violators.

Gov. Mel Patton has appointed a task force to determine how police and the courts handle crimes of sexual violence. Recommendations on the subject were expected from the task force by Jan. 1.

MICHIGAN — A 13-year-old boy was convicted of second-degree murder for shooting an 18-year-old stranger in 1997. Nathaniel Abraham, who was 11 at the time of the crime, is believed to be the youngest American ever convicted of murder as an adult. He was expected to be incarcerated at a juvenile detention center.

OHIO — A juvenile justice bill introduced in the State Senate would punish parents who let their firearms fall into the hands of their children. The crime would be a felony if a weapon in such a circumstance caused an injury.

The state has approved a \$23.2-million contract with a Utah-based company to operate a medium-security prison in Ashtabula County. The Lake Erie Correctional Institution, to be run by Management & Training Corp. at a savings to the state of \$8 million over the next four years, will open in April.

Hamilton Police Officer Brian Rowe, 41, was found dead after a blood vessel in his head burst on Oct. 27. Rowe was found in his car after he completed his shift that day. He had been with the Hamilton force since 1991.

The Monroe Police Department's full-time staff will rise from 12 to 16 when a new round of hiring is completed. It will be the highest number of sworn staff in department history. The department also has 15 part-time officers.

Cleveland's South High School was the target of a plot by four students to carry out a massacre similar to the Columbine High School shootings in Colorado. One 14-year-old and three 15-year-old boys, all white, were arrested on Oct. 29 and charged with plotting a racially motivated massacre at the predominantly black school. Security was beefed up at the school, which was closed briefly following the arrests.

WEST VIRGINIA — Putnam County Sheriff Stan Farley wants a well-equipped SWAT team to be standing by for potential Y2K mayhem. The county commission has been asked to approve \$31,600 to buy 9mm. pistols, camouflage uniforms, tactical holsters, and other crime-fighting gear.

A new alarm system guards the State Police Academy at Shepherdstown, after 800,000 rounds of ammunition were found in unsecured buildings.

WISCONSIN — Milwaukee's police unions approved a pension settlement with the city that allows officers to retire after 25 years with a 5-percent lump-sum bonus. As part of the agreement, the unions agreed to withdraw lawsuits against the city.

After Milwaukee police stopped Trevon Shum, 18, for riding an unlicensed bicycle, lawyers in the case have called for a study of what they suspect are racially motivated citation practices. Black residents are 30 percent of the city's population, but receive more than 50 percent of its citations.



Plains States

IOWA — Mount Ayr, population 1,667, will pay Ringgold County \$75,000 a year for police coverage. The move comes after the town hired numerous police officers who left for better-paying jobs elsewhere.

MINNESOTA — The state court of appeals ruled that an American Indian tribal member cannot be prosecuted by the state for driving offenses committed on another reservation. However, in the case of the 15-year-old caught driving without a license, the state could continue with prosecution if the individual were charged with criminal rather than regulatory offenses.

Gov. Jesse Ventura said that the Minnesota Center for Crime Victim Services will be moved to the Department of Public Safety in an effort to boost service. The center funds 200 programs for 2,000 crime victims every year.

MISSOURI — Public telephones have become public enemy No. 1 in Kansas City, where officials are trying to thwart drug dealing over pay phones by enforcing a law that requires city approval for any new freestanding phones adjacent to a residence. So far, two pay phone applications have been blocked by neighborhood opposition.

Understaffed Kansas City police are using recorded messages to answer their 911 line. Callers get the recording when the dispatch center is unable to keep up with the call volume. About 37 call taker and dispatcher positions are currently vacant out of 91 slots.

NEBRASKA — Council Bluffs police shot at Quiney L. Hughes, 25, after he allegedly rammed a police cruiser on Nov. 9. The man was being chased after police saw him leaving a suspected drug house. Hughes, who had been wrongly jailed for four months in the 1995 murder of Omaha Police Officer Jimmy Wilson Jr., is now charged with two counts of aggravated assault of a police officer and other drug charges.

NORTH DAKOTA — After a recent night on patrol, Fargo Police Chief Chris Magnus discovered that some 90 percent of calls to police there involve alcohol. More than 750 people have been arrested this year on DUI-related offenses.

SOUTH DAKOTA — Some 200 bicycles that were refurbished by inmates at Springfield state prison are being handed out to underprivileged youngsters across the state.

Following a disturbance in a cell block last October, the State Training School, a juvenile prison in Sioux Falls, has added stun grenades and non-lethal shotguns to its arsenal to help maintain order.

WYOMING — The date-rape drug known as Ketamine or Special K has been circulating in the Big Horn Basin. It renders its victims unconscious and has been favored by young people on the club circuit.

Some 3,409 child abuse cases were logged in the state last year, the group Prevent Child Abuse Wyoming reported. Three of those cases resulted in a child's death.

Chronic jail overcrowding is plaguing the Laramie County Sheriff's Department. The jail, with a capacity of 112 inmates, typically holds about 140. Officials plan to jail fewer nonviolent suspects and make fewer field arrests that could be addressed with citations.



Southwest

ARIZONA — About 45 percent of the murders occurring in Phoenix this year have been solved, a clearance rate substantially lower than the 80 percent figure of a decade ago. Officials attributed the decrease to more murders committed by strangers instead of family members or acquaintances. The national rate of solving homicides has also dropped sharply, from 79 percent in 1975 to 66 percent in 1997, according to the U.S. Department of Justice.

COLORADO — A new study by the state Judicial Department has found that 53 percent of those arrested in Colorado for domestic violence offenses have faced similar charges in the past. Seventy-four percent of those offenders had a prior arrest of any kind, with one offender racking up 92 arrests. The study followed 1,700 men arrested between August 1997 and March 1998 in Adams, Denver, Larimer and Weld counties.

Denver City Council members are looking at using photo radar systems to catch drivers who speed past red lights. The city also has authorized crews to use mechanical boots to immobilize the wheels of vehicles if owners do not pay their \$40 photo radar fines.

Three men were charged with murder Nov. 12 in connection with one of a series of beating deaths in Denver. Seven bodies have so far been found in the trendy Lodo downtown district. Charged are Thomas Holden, 18, Nathan Harrison, 20, and Christopher Ball, 16. All were already in jail on separate assault charges.

Gov. Bill Owens has ordered the State Patrol to stop selling obsolete and confiscated weapons to gun dealers. The order came after a suspect in a Los Angeles shooting used a Glock pistol that was formerly a police weapon.

OKLAHOMA — The Oklahoma Bureau of Narcotics and Dangerous Drugs said marijuana is the most prevalent drug in the state. Officials seized 3,984 pounds of pot in 1997 and 3,085 pounds in 1998. In early November, a single load found in a truck on Interstate 35 yielded a seizure of 2,300 pounds of pot.

TEXAS — The third defendant in the 1998 dragging death of James Byrd near Jasper was convicted of capital murder on Nov. 18. Shawn Allen Berry, the last of the three defendants to be tried, was sentenced to life in prison. The two other defendants have been

sentenced to death.

U.S. Customs Service agents along the Southwest border seized more than a million pounds of drugs in fiscal 1999, a record for the agency. It was up from 863,415 pounds in fiscal 1998. Agents in the El Paso area seized 7,547 pounds of cocaine, an amount triple that of the prior year. Officials cited a new cooperative program aimed at promoting information-sharing among different agencies.

A poll of 607 adults found that 71 percent of Texans think offenders should serve their full prison sentences. The figure was up from 52 percent in 1979.

Irving police now have individually tailored bulletproof vests for two K-9 dogs, courtesy of the Metroplex Veterinary Centre, which raised \$1,500 to buy the armor. The clinic cares for the department's two police dogs, one of which took a bullet through the chest last year while chasing burglary suspects.

UTAH — State auditors have concluded that police and prosecutors are not abusing their power to seize cash and property during investigations. A sample of 65 cases in which money or property was seized found that 91 percent of those cases resulted in arrests and charges against the suspects.



Far West

ALASKA — A robber picked the wrong target when he hit up the Holiday Inn in Anchorage on Nov. 4, only to find that the hotel was the site of a two-week police training conference. Floyd E. Brown walked into the lobby wearing a ski mask and demanded money, only to have a number of officers rush out of a nearby conference room and nab him as he headed for the door with a pile of cash.

CALIFORNIA — The Los Angeles Police Department held its 20th annual Recognition Day awards ceremony at the Police Academy on Nov. 10. Among those honored was Officer John Morena, who saved helicopter pilot Steven L. Robinson from a downed Fire Department aircraft in March 1998; Officer Christine Perkins, for her problem-solving efforts to reduce crime in MacArthur Park; Officer Yehuda Packer, who saved the life of a 9-year-old boy being held hostage by his father, and Officers Ellen Gable, Jerome Ealy and Edward Waschaik, for trying to rescue a wounded officer who was in a warehouse with an armed suspect.

Authorities now believe that corrupt officers from the Rampart Division of the LAPD framed at least two prison inmates, and the cases of as many as 40 convicted individuals may have been tainted by police misconduct involving former Officer Rafael A. Perez, who is the central figure in the scandal. Perez told authorities that he planted evidence on innocent people and gave perjured testimony against them. He is currently serving time for cocaine theft convictions. Several wrongfully jailed prisoners were expected to be released in the

case, and at least a dozen officers have been relieved of duty.

Blaine Applin, 29, a cultist being held on charges including the attempted murder of a San Diego police officer, went on trial Nov. 8. He is accused of shooting at a police cruiser that was pursuing him and another man, 37-year-old Christopher Turgenn, in July 1998 after they allegedly robbed an adult entertainment business. Turgenn is believed to be head of the Gatekeepers religious group, and had devised a plan to rob people to fund his religious endeavors. Both men also face unrelated murder charges in Washington.

LAPD Det. Tom King, who tracked down former Symbionese Liberation Army fugitive Sara Jane Olson, was taken off the case because he had been approached about movie deals, police sources told The Los Angeles Times. King immediately told supervisors about the contact, but the department reportedly reassigned him in order to prevent any conflict of interest from tainting Olson's trial.

A University of California study has found that the state's "three-strikes" law does not deter criminals from committing new crimes. The study of 3,500 cases found that there was almost no drop in arrests among those with previous convictions. About 13.9 percent of adult felony arrests for one month were committed by those with one or two strikes in 1993, the year before the three-strikes law took effect. Two years later, people with one or two strikes accounted for 12.8 percent of those arrested.

HAWAII — Patrol operations at the Honolulu Airport have been assumed by the state's sheriff's deputies. They had previously been handled by the Honolulu Police Department, but the \$20 million police contract was severed in the wake of high overtime costs.

Honolulu school principals are getting a crash course in spotting disguised weapons, as concern mounts over the number of dangerous weapons that have been turning up in classrooms.

NEVADA — University of Nevada-Las Vegas Police Chief Dave Hollenbeck will be reassigned after students claimed that blacks and minorities were targeted by the campus police. Hollenbeck has been placed on administrative leave.

OREGON — Three crime measures lost in Oregon this past election season, including one that would allow 11-1 jury verdicts in murder trials; a proposal that would give prosecutors the right to demand a jury trial in criminal cases; and a measure to allow people who are ordered to testify about crimes they may have committed to still be prosecuted for those crimes based on other evidence.

WASHINGTON — The state Supreme Court has again moved to limit the scope of police searches, ruling that the arrest of a motorist does not allow officers to search personal items belonging to passengers who are not under arrest. Overturning methamphetamine-possession convictions in three separate cases, the court ruled that police violated passengers' constitutional rights to privacy.

Smooth sailing

Officials in Fulton County, Ga., have said they could not imagine a smoother transition for the county's Police Department than appointing Deputy Chief **George Coleman** to succeed **Louis Graham**, who announced his retirement as police chief in October.

The 44-year-old Coleman, who took command on Nov. 12, said he was "honored and humbled by the opportunity to lead some of the finest men and women in law enforcement." Coleman said he looked upon Graham, the department's first African-American chief, as a mentor.

A graduate of Georgia State University and the FBI Academy, Coleman began his career as a patrol officer with the Atlanta Police Department. He joined the Fulton County force after it was created in 1975 and became a detective in 1978, working alongside Graham on the investigation of the disappearance and murder of 29 children in the Atlanta metropolitan area.

Since that time, Coleman has served as an investigator in the medical examiner's office and as supervisor in the major case division, where he was in charge of special operations, including the department's SWAT team and narcotics unit. He was promoted to deputy chief in 1995.

"I think Coleman is an excellent and appropriate choice to make Fulton County's police force the best in the nation," said **Mike Keen**, the chairman of the County Commission. "He's a cop's cop, he has the experience and he's familiar with Fulton County police and the county in general, so there's no learning curve," he told *The Atlanta Journal-Constitution*. "It's the easiest transition of anyone we could choose."

Under Graham, Coleman was in charge of internal affairs, field operations and accreditation. He was one of three deputy chiefs to serve under the outgoing Graham, who was the department's first black chief.

Graham, who had led the county police force since 1991, was appointed in October as project director in the Governor's Children and Youth Coordinating Council.

Major honor

The Major Cities' Chiefs Conference awarded New Orleans Police Supt. **Richard J. Pennington** its highest honor in November, making him the first African-American to receive the organization's award for excellence.

Pennington was selected unanimously by the 54 heads of U.S. and Canadian police departments that comprise the group, based on his success and strategies for reducing crime, building public confidence in the city's Police Department and restoring integrity to the force, according to a statement from the organization.

During the third quarter of 1999, New Orleans's homicide rate plummeted by 33 percent as compared with the same period a year earlier, according to NOPD statistics. Data also revealed that the city's number of reported

rapes fell by 6 percent in the first nine months of this year as compared with the same period in 1998.

Overall, the department achieved a reduction of 18.4 percent in violent crime in 1998, nearly three times the nationwide decrease of 6.4 percent reported for that year.

Said Pennington: "This award is very special to me because it is being presented by my colleagues from around the United States and Canada who have witnessed or heard of the many positive changes in the NOPD. This award reflects the professional men and women of the department who have successfully persevered to make our organization an example for other law enforcement agencies to emulate."

Dogged pursuit

The South Miami Police Department has not lost an officer; instead, it gained a Chesapeake Bay retriever, through a pilot program with the Drug Enforcement Administration that requires the police force to give up a K-9 officer to work with one of the DEA's drug-sniffing dogs at the bustling city airport.

Buster, a 2-year-old dog trained to identify heroin, cocaine and other drugs, has detected \$1.4 million in contraband, including tainted cash, in the year since the South Miami PD joined the program. If the contraband found by Buster leads to a successful prosecution, or if the money goes unclaimed, South Miami is entitled to keep 20 percent of it.

In return, the department assigned K-9 Officer **Juan C. Delgado** to work at Miami International Airport four days a week with Buster. On the fifth day, Delgado works patrol in South Miami. After three years, the city gets to keep the dog and the officer returns to his previous duties.

South Miami City Manager **Charles Scurr** called the program a smart move. "The city is generating hundreds of thousands of dollars in forfeiture funds," he told *The Miami Herald*. In about 12 months, Buster could net the city some \$280,000.

The program has proved so successful that the department sent a detective, **Sbeila Scanlon**, to work with Delgado at that airport last month. The DEA crime team with which Delgado works does "domestic interdiction," targeting drug couriers coming into the city from such locations as New York and Chicago.

While the U.S. Customs Service looks for drugs, the DEA is focusing on money being transported back and forth by dealers. South Miami Assistant Police Chief **Mike Mills** told *The Herald*. About 80 percent of bills \$20 and larger have the scent of drugs on them, which means Buster can easily sniff out the illicit funds.

In November, Delgado noticed a suspicious-looking man while eating at the airport snack bar. As he approached the suspect and began questioning him, he noticed that he clutched his luggage tightly. Giving a hand signal to another officer holding the dog, Buster was released and quickly uncovered \$83,000 in cash. The man claimed the money was not his, but did not try to reclaim it. He was not arrested.

"He's kicking butt, big-time,"

Now entering the Neutral Zone

Washington chief's "win/win" answer to juvenile crime

When Police Chief **John Turner** of Mountlake Terrace, Wash., eschewed curfews, crackdowns and other traditional approaches to fighting juvenile crime in favor of a more nurturing solution, he took a lot of guff, he said, from his colleagues in law enforcement. As it turned out, his decision was the right one for his community.

In 1992, Turner established a community-oriented program called Neutral Zone aimed at helping at-risk adolescents gain access to education, health and social services while also providing a safe environment for them to socialize. From 1993 to 1998, the city has seen gang-related violence drop by more than 90 percent; juvenile arrests fall by more than 50 percent; and graffiti reports decrease from 84 in 1994 to none last year.

In October, Turner became one of seven national winners of the Ameritech Award of Excellence in Crime Prevention, an honor given by the National Crime Prevention Council and the company to those who have done "extraordinary things to prevent crime and build safer, more caring communities."

The idea for Neutral Zone began in 1990, Turner told *Law Enforcement News*, when police were investigating a series of arsons that had destroyed nearly half the city's business district. They were shocked to learn how

many adolescents were out late into the night, he said.

Turner's first response was to institute a juvenile curfew, but that proposal was not politically feasible, he said. With an escalating gang problem, the department ventured forth with the idea of a place adolescents could go and not cause too many problems. Neutral Zone began as a Friday and Saturday night recreation spot, but it has evolved into much more than that.

"We have a food bank for kids, a clothing bank for kids," said Turner. "We connect them with a GED program, and get kids to services that they would not be able to get to such as health services. We work with doctors and dentists." Many of the teenagers who take advantage of Neutral Zone are homeless or living on the fringe, he said. "It is a method for connecting with kids."

The program is volunteer run with the exception of one police officer on duty during its hours of operation to ensure security. The city donated an unused wing of a middle school, said Turner, which has been remodeled to include a classroom, a space that has pool tables and other games, and a movie room. Neutral Zone also has access to the school's gym for basketball and other activities. In addition, a hot meal is served every night the center is open and food is always available.

"I took a lot of crap from my fellow chiefs for doing what was branded a liberal, do-gooder thing,"

Turner told *LEN*. He also ran into resistance from some residents who claimed he was turning the city into a magnet for homeless youths. Neutral Zone does draw teenagers from as far away as Tacoma, nearly 60 miles to the south, and Bellingham, some 90 miles north of the city, said Turner.

The success of the program has been repeated in other locations around the country, according to the National Crime Prevention Council. When a Neutral Zone was opened in La Porte, Ind., in 1995, weekend arrests of juveniles fell by more than 50 percent.

Other award winners were:

Matt Peskin, of Wynnewood, Pa., founder of the National Association of Town Watch and the National Night Out Against Crime program;

V.J. Smith, a community leader from Minneapolis, founder of the MAD DADS organization;

Frank Johnstone, of Richmond, Va., director of the Virginia Crime Prevention Center from 1994-1998;

Wray Hood, of San Antonio, Texas, president of the Coliseum Willow Park Neighborhood Association;

Leola Spann, president of the Northwest Austin Council in Chicago.

Judge **Michael A. Murtone**, of Troy, Mich., founder of Courageous Decisions, a two-phase drug and alcohol intervention program.

Delgado said of his canine partner

Last spring, Buster found \$260,000 in gold in the luggage of a woman arriving from New York, after authorities acted on a tip that she was carrying some type of contraband. The dog picked up the scent and led police to a group of trailer hitches inside one of the woman's bags. They were painted silver, but when scratched, revealed gold underneath, Delgado said.

Belated tribute

After discovering the grave of Tulsa's first African-American police officer to be killed in the line of duty, members of the Tulsa Police Officer's Memorial Committee have now embarked on a search for the relatives of Officer Robert Jackson, who was slain

on Halloween 1927.

Jackson was buried in an unmarked site at what was then called the Booker T. Washington Cemetery, according to his death certificate. The 42-year-old officer had been dispatched to a domestic dispute at which a woman had said her husband was threatening to shoot her. As Jackson began ascending the steps to the home, he was shot three times by 20-year-old Percy Ellis. Jackson returned fire and hit Ellis, who later died of his injury.

Each year in May, the committee organizes a memorial service for fallen police officers, with a family member placing a rose in a wreath at the grave site. A prayer is read, an honor guard salutes and an American flag is placed beside the grave. But this year, someone else had to place a rose for Jackson, because his relatives could not be located. A headstone was placed at his final resting place by the group in October.

"I think it is important to memorialize fallen officers," said retired Tulsa Officer **Doug Cash**. "But the real reason we do this is for the families."

All that was known about Jackson's death and grave site was what appeared in a few scant newspaper clippings from *The Tulsa World* published after his death. There were no records of his burial and few clues that could help the memorial committee locate family members.

The group eventually located Jackson's grave because it lies next to the site of another slain black officer. Cash said that a chaplain who works with the department had spoken with a former caretaker of the cemetery, now called Rolling Oaks, who said he had been approached two years ago by a relative of Jackson's who asked why a flag had not been placed at the site when one appeared beside the final resting place of slain Detective **Cornelius White**.



*Happy holidays
from the staff of
Law Enforcement News*

Indiana's high price of pot possession

While a Henryville, Ind., man may have paid his debt to society when he served six months of house arrest and more than three years of probation for dealing marijuana, he apparently did not satisfy his obligation to the state's Department of Revenue, which is now demanding some \$800,000 in back taxes on the illicit drug.

The agency is pressing its claim against David J. Sumpter and at least five others despite the fact that the Indiana Supreme Court in 1995 overturned the state's drug-tax as unconstitutional. In *Bryant v. State of Indiana*, the court ruled that the tax constituted a criminal punishment that violated the U.S. Constitution's protection against double jeopardy.

The law, however, was still in effect when the arrests, including Sumpter's, were made. Under the statute, which was enacted in 1992 as a further weapon against drug trafficking,

people who plan to possess controlled substances can pay a tax to the Department of Revenue. It is transacted on a confidential basis, forbidding the agency from passing tax information on to the police.

Payment of the tax does not make the drug legal, however. It merely prevents the dealer from being penalized financially if caught. The contraband can then be taxed based on the weight and type of substance at twice the normal rate prescribed by law.

While revenues have dropped sharply since the 1995 court decision, under a change to the law enacted one year later, the revenue department can still assess a tax if a county prosecutor gives written notice that criminal charges will not be pursued. Some \$326,000 was collected under the excise tax in 1993; this year, the agency collected just \$55,000.

"The ultimate concept behind the

tax is to get dealers where it hurts the most, which is in their pocketbook," Larry McKee, a deputy revenue commissioner, told *The Louisville Courier-Journal*.

According to court documents, Sumpter ran up against the tax law in 1993 when he loaded a dead deer he had found on the side of the road into his car, disemboweled it, and put the meat in his freezer. While Sumpter was fishing several days later, conservation officers noticed blood and deer hair in his car and questioned him about it. An officer was dispatched to Sumpter's home to look for deer remains.

At his home, conservation officers spotted a patch of marijuana growing outside. Sumpter gave written permission to Clark County police to search his house, and they seized more than 20 pounds of pot worth an estimated \$26,000. He was charged with dealing in marijuana over 10 pounds, a felony,

and misdemeanor possession of a whitetail deer. Sumpter was also charged with failure to pay the excise tax, but that charge was dropped, as was a count of marijuana possession, as part of a plea agreement.

A week after Sumpter's arrest, a tax was assessed against him based on 7,899.3 grams of marijuana at \$40 a gram, for a total of \$315,912. The amount was doubled due his failure to pay the tax beforehand. It took nearly five years from the time Sumpter filed a protest against the tax until the Department of Revenue granted him a hearing, at which time his protest was denied. In the meantime, the interest and collection fees swelled the amount owed to \$780,000. Sumpter filed a suit in September to block the agency from collecting the tax.

"It's an example of the war on drugs gone crazy," said his attorney, David Mosley. Sumpter and Mosley contend

that the debt has been paid by Sumpter's incarceration. With leg injuries stemming from a car accident in 1991, Sumpter lives on a small pension from the Navy. Having to pay the tax would sentence him to a lifetime of poverty, he and his attorney argue.

"When you attempt to tax an illegal substance, confusion is rampant because you're in two systems," said Belle T. Choate, an Indianapolis attorney representing two clients who have sued the revenue department in tax court in the past year. "I don't care what they say; no one really knows what [the statute] means."

Indeed, the five-year delay between Sumpter's protest and the hearing was caused by a backlog of cases challenging the tax, said David Arthur, a deputy attorney general who represents the revenue department. As a result of the state supreme court's 1995 decision, drug offenders who had paid the tax had their convictions reversed or charges dismissed. But that change, and the 1996 amendment prohibiting assessment without written notice from a county prosecutor, do not effect Sumpter's case, said Arthur, because they do not apply retroactively.

While Indiana courts have overturned the criminal convictions of some people who paid the tax first, they have not ruled on whether a criminal conviction means the subsequent tax does not have to be paid. McKee said that the agency is willing to settle with Sumpter for \$30,000, an amount which Mosley contends is still too high because the seized marijuana was weighed incorrectly. Under the 1996 change in the law, the assessed value of marijuana dropped from \$40 a gram to \$3.50.

Ft. Worth church massacre opens door to high-tech crime scene re-creation

When Federal and local investigators in Fort Worth, Texas, look at architectural blueprints of the Wedgewood Baptist Church, they are looking at much more than the position of the pews. The church was the site of a mass killing by a gunman who then took his own life, and the highly-detailed drawings, created with computerized surveying equipment, show the position of bodies, bullets and bomb fragments.

Although the software has been used by the Fort Worth Police Department in the past to investigate serious traffic accidents that involved a fatality, it is the first time police have used it to recreate a crime scene, said Lieut. Rick Clark.

The actual mapping was done by the Bureau of Alcohol, Tobacco and Firearms, with which the Police Department operates a joint task force, Clark said. The unit was called in after Larry Gene Ashbrook set off a bomb in the church during a youth concert on Sept. 15, then sprayed the foyer and sanctuary with gunfire. Eight people were killed and

Surveying equipment linked to computer software produces faster, better, more accurate drawings.

seven injured in the incident. Said Bill King, the ATF's resident agent in charge in Fort Worth: "I've never been at a crime scene that had the number of fatalities that I saw there."

The program, designed by the Kansas-based Sokkia Corp. for use by professional surveyors, has been used by ATF agents at the Columbine High School shootings in Littleton, Colo.,

and a series of church fires in California. It allows angles to be measured to within one inch at 100 yards and distances to be measured at one-eighth of an inch from a mile away.

"They came in and basically mapped out the entire church in relationship to the position of the deceased who were still in the church," Clark told *Law Enforcement News*. "At that point, we were able to describe exactly what occurred and when."

The immediate advantage of using the computerized equipment is that it is so much faster than measuring and drawing the crime scene by hand, as the department has done in the past. "That would have taken forever," said Clark.

Randy Hurt, Dallas branch manager for Sokkia Corp., also noted that the software gives police the advantage of "repeatability." Once a crime scene has been mapped and then cleaned up, investigators can revisit the site if necessary and know precisely where a piece of evidence was found.

The architectural drawings have a

tremendous degree of accuracy compared to hand drawings, said Lieut. Mark Krey, who supervised the Wedgewood investigation. "We know the path Ashbrook took and how he moved inside," he told *The Dallas Morning News*. "We can place where Ashbrook stood and how many shots he fired at each spot. You can see he was first firing up at the band."

According to King, the software allows investigators to put as much or as little detail into the drawing as they want. In the case of the Wedgewood Church, the ATF agent told LEN, there were pews, a stage and a piano. In an initial interview with a witness, agents would put in just the pews and ask where they were standing in relation to them. Then they would build from there, putting in more and more details until they had completed a reconstruction of the events.

"Once you can put the internal parts in, then you can put crime scene evidence in. In this case, it was shell casings, bomb fragments, victims," said King.

Raleigh says 'Thanks, but no thanks,' to regional cops-in-schools grant

Citing budget concerns and differing priorities, the Raleigh, N.C., Police Department in October opted to become the only police agency in Wake County not to apply for Federal funds that would have helped place sworn personnel in the area's 22 middle schools.

The request that all law enforcement agencies in the county apply for CDPS in School grants from the Justice Department's Office of Community Oriented Policing Services came from the Wake Board of Education last year. The board said the officers were necessary to ensure a safe and secure environment. Moreover, the school system offered to pay half the cost.

But Raleigh police Maj. John Knox, head of the department's division of administrative services, said the agency did not want to be obligated to continue

paying the salaries of the officers hired under the program beyond the three-year period the grant would cover.

Raleigh officials decided last year against placing officers in middle schools; police are already assigned as school resource officers in each of the district's high schools. "We don't have the grants decide what the service priorities are," said City Manager Dempsey Benton. Officials maintained that the officers would not have enough to do, and that the cost would have been prohibitive.

Said Knox: "When we review a grant, even if it's not a Federal grant, we always look to see if the problem being addressed by the grant is a problem that's something we need to focus on. In the middle schools, it's not something we've traditionally focused on

when there are other problems in the neighborhood."

The school district's security director, Corey Duber, expressed disappointment with the decision by Raleigh police officials, but said he was glad that the Sheriff John H. Baker Jr. was including the city's nine middle schools in his department's grant application. "He has an excellent department so we should be fine," Duber told *The Raleigh News & Observer*.

Before Raleigh chose not to participate, the Sheriff's Department had planned to apply for officers in only three schools in unincorporated parts of the county. It is not unusual for the Sheriff's Department to take a leadership role under these circumstances, said Maj. Ralph Stevenson, noting that the agency had placed officers in each

of the county's high schools in 1993, before Federal subsidies became available to help local police do so.

Currently, only the five middle schools in the cities of Cary and Garner have officers assigned to them. The Justice Department approved some \$106,772 in grants to Garner and \$102,000 to the city of Zebulon. There is as yet no word on the other communities which applied for the grants, including Apex, Fuquay-Varina and Wake Forest.

Apex Police Chief R.H. Heam said he applied for the funding because Apex Middle, Lufkin Middle and a new school being built in the city need their own officers. "It's a county school, but it's in the heart of our city," he told *The News & Observer*. "Our kids go there. It's our future there."

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Feds pour in millions to aid tribal justice

Faced with an explosion in the number of crimes committed against Native Americans and on tribal lands, Federal grants totaling \$89 million have been awarded to reservation police departments nationwide to increase the ranks of uniformed officers, enhance community policing efforts and sustain tribal courts.

The money will be issued through the Justice Department's Office of Community Oriented Policing Services, the Bureau of Justice Assistance and a number of other Federal agencies under the Indian Law Enforcement Improvement Initiative, which was created in response to a 1997 Presidential directive to the Attorney General and the Secretary of the Interior to develop a plan to improve public safety in Indian Country.

Earlier this year, a survey by the Bureau of Justice Statistics confirmed the severity of the problem when it found that American Indians and Alaska Natives were victimized at a rate twice that of non-Indians, although they make up just under 1 percent of the nation's population. Among native women, the problem is exceptionally severe, with 7 rapes or sexual assaults per 1,000, as compared to 3 per 1,000 for blacks and 2 per 1,000 against whites.

According to information gathered by the FBI, the Bureau of Indian Affairs

and tribal police, of the 6,002 cases opened by the FBI between 1994 and 1997 on tribal lands, 83 percent involved either homicide or the physical or sexual abuse of a child. On some of the large Western reservations, homicide rates are comparable to some of the most violent jurisdictions in the nation, said Thomas L. LeClaire, a former director of the Office of Tribal Justice, in testimony before the Senate Indian Affairs Committee earlier this year.

"American Indian communities face serious problems of rising violent crime, including violence against women, gang activity, juvenile delinquency, and child abuse," Mark Van Norman, the office's current director, told the committee.

Among the new grants being made available to tribal communities under the improvement initiative, the COPS office's Tribal Resources Grant Program (TRGP), will provide \$35 million to cover the hiring and training of new officers over a three-year period to dozens of tribal police agencies in Alaska, Arizona, Washington, Oklahoma and other states. Funding may also be requested for the purchase of new equipment, including cars, bulletproof vests, firearms and portable radios, as well as computer hardware and software, mobile data terminals and communications systems.

One of the grantees is the Colorado River Indian Tribes Police Department in Parker, Ariz. While it did not request money to hire additional officers, the agency will receive a \$171,655 equipment grant. Acting Chief Jeff Gilbert told Law Enforcement News that the department will increase its 12-vehicle fleet with four new patrol cars, a motorcycle and a boat for patrolling the waters of the Colorado River where a riverfront casino industry has opened.

The tribal police department shares jurisdiction of the town of Parker with municipal police, but is solely responsible for the 40-mile-long reservation. The number of patrol cars "has not been enough," Gilbert said. The department's entire jurisdiction is 436-square miles. "We have always been limited with the number of officers that we have. You get to the point where you are running vehicles 24-hours a day, possibly breaking down," he said. "With the additional vehicles we'll get, it's going to allow us to do some better scheduling with giving the vehicles some down time, reduce maintenance cost and mileage."

The FBI will receive \$4.6 million for 30 additional agents and 20 support staff in those areas where the need is greatest.

Funding is also being made avail-

able through the DoJ Office of Juvenile Justice and Delinquency Prevention, which received a \$10 million allocation from Congress to establish a "comprehensive tribal delinquency prevention, control and juvenile justice system improvement for tribal youth."

Juvenile crime and delinquency among Indian youths is a burgeoning problem, according to LeClaire. "Tribal leaders are concerned that the lack of adequate tribal law enforcement resources feeds a perception by juveniles in Indian country that they can commit crimes with impunity," said LeClaire. "Violent crime by juvenile offenders and Indian youth gangs is on the rise in many Indian communities."

There has been a 50-percent increase in the number of Indian youths incarcerated since 1994. As of Feb. 20, 1999, LeClaire said, 68 percent of the 270 youths in the custody of the Bureau of Prisons were American Indians. "Against this background, we must redouble our efforts to provide appropriate juvenile prevention programs to fight the rise in juvenile crime in Indian communities," he told Committee members.

The development, enhancement and operation of tribal courts, which have jurisdiction over crime committed by

Indians in tribal territory as well as in civil matters, will be aided by a \$5 million grant from the Bureau of Justice Assistance.

Tribal courts were rapidly increasing their caseloads at the time the improvement initiative was being planned, said Van Norman of the tribal justice office. The high level of need for the funding, he said, is demonstrated by the number of tribes — 181 — that have applied for the grants. Some 15 tribal courts will receive court enhancement funds of up to \$100,000, and 15 smaller tribal courts will be awarded grants of up to \$50,000.

Legislation is pending that would complement the initiative, he told LEN. Under Senate Bill 1508, the Indian Tribal Justice Technical and Legal Assistance Act of 1999, adjunct civil legal assistance would be provided to impoverished tribal members in relation to civil rights, child custody matters and social services. It would also enhance criminal legal assistance to indigent Indian offenders.

LeClaire said in his testimony that the Justice Department will be seeking more than \$124 million for the initiative, raising some individual grant programs, such as OJDP's, by \$10 million.

Don't touch that dial! (Or think before you do.)

Clumsy dialing is causing a major problem for the Omaha Police Department, whose 911 dispatchers have seen the proportion of hang-up calls and wrong numbers grow to nearly 10 percent since a 991 prefix was distributed to digital telephone service customers in March.

Mark Conrey, the county's 911 chief, said that what began as a nuisance has become a serious concern. Since the prefix was distributed by Cox Communications last spring, patrol officers have been sent to investigate about 500 more hang-up calls per month. The volume of such calls during that period has nearly doubled from the monthly average in 1998, to 6,739.

"It does concern us that it takes some patrol officer's time away from someone who may be calling 911 at the same time who needs help," said Sgt. Dan Cisar, a police spokesman. "At the very

least, people know we're going to come regardless when they call 911, just to make sure they're okay," he told The Omaha World-Herald last month.

Officials from Cox Communications said the company has stopped assigning phone numbers that begin with the numbers 991-1. Some 700 residents in the Omaha area had such a number. Cox has also requested and received a new prefix, 614, which it might use to replace 991, said Mike Kohler, the company's director of public affairs.

"If there's 10 lines ringing, I bet nine of them are for the 991 number," said Sue Lewis, a 911 operator with 3½ years' experience. "That's how bad it is."

Conrey is recommending that people stay on the line when they misdial and tell dispatchers that they made a mistake so that officers do not have to be sent out.

Tribal, municipal police haggle over arrest power

The Fort Peck Tribal Council in Poplar, Mont., is negotiating with the state Attorney General's office in the hopes of hammering out an agreement in January that would give tribal police the same authority to arrest non-Indians as city police and county sheriff's deputies have over tribal members.

At issue is the formalization of an agreement that has existed between tribal police and non-tribal law enforcement, which the Tribal Council would like to see finally put on paper. In October, the council revoked the authority of non-Indian police to arrest or cite members of the Fort Peck Tribe, claiming that the cross-deputization agreement made during the 1980s was not equitable. The resolution was rescinded by the tribe on Nov. 19.

Back in May, according to The Great Falls Tribune, the council had adopted a resolution giving local departments until Aug. 31 to adopt policies for "true cross-deputization." With tribal members constituting some 90 percent of Poplar's population, the action put the vast majority of the city's residents out of the reach of local police.

"This has been a contentious issue with the Fort Peck Tribes and its people for a number of years," Arlin Headdress, chairman of the Tribal Council, told Law Enforcement News. "We did not believe it was a true cross-deputization agreement because we granted them — the other police departments — commissions to apprehend and arrest tribal members, but by the same token, we were not authorized to arrest non-Indians."

Until the council's recent action, non-tribal law enforcement officers working on the reservation were granted formal authority to arrest or cite tribe members for violations of tribal law by applying for "commission" cards. The arrests or citations would then be forwarded to the tribal courts.

Non-Indians could also be cited for misdemeanor offenses on the reservation by tribal law enforcement with the paperwork being sent to city or district courts. However, no formal agreement was ever worked out with the same type of documentation offered to nontribal police. Said Robert Welch, chairman of the Law and Justice Committee for the Fort Peck tribes, "It's always the tribes giving and never receiving."

The Tribal Council's action only hurts the tribe itself, claims Poplar Police Chief Joe Leggett. At present, the

tribal police force has just 18 officers, although it will get a significant manpower boost under a \$2.3-million Federal grant that will go toward hiring an additional 20 officers. Still, local and county law enforcement have traditionally served as backup, especially along rural stretches of the reservation and county.

Wolf Point Police Chief Ron Kemp noted that by some interpretations, the Tribal Council's move could outlaw such backup assistance. "We won't respond outside the city limits unless there's a tribal officer on the scene," he told The Tribune. "Before, we were responding at their request to maintain order until they could get on the scene."

One of the factors in cross-deputization will be training, said Sara Bond, the assistant attorney general who will be drafting the formal agreement. Tribal police are trained at a Federal training academy in Artesia, N.M. and many do not have certification under the state's Police Officer Standards and Training board. "I don't think it's a matter of Artesia versus the Montana Law Enforcement Academy, but there are some issues surrounding Federal versus state standards," she told LEN.

Headdress said the Tribal Council would like to see the Federal training facility bypassed in favor of the state's academy. "They [the state's POST board] seem to think the standards are not as high or strict as the Montana standards," he said. "We don't agree with that, but that's the way it stood. Hopefully, new recruits will be POST-certified."

One of the obstacles to that, however, is finding room for the recruits at the academy, said Bond. "The basic training is a 12-week course and they kind of want us to have a course in Wolf Point, but that would be like moving an entire semester of college somewhere. The infrastructural issues surrounding that make that a little bit difficult."

Bond said she is confident that an agreement can be worked out that will "mesh" Federal and state requirements to the tribe's satisfaction. "I'm hoping it will be a multi-party agreement that will include Poplar and Wolf Point, as well as the Montana Highway Patrol, the [Roosevelt County] Sheriff's Office and the Fort Peck Tribe." An attempt to forge an agreement between the Highway Patrol and the tribe several years ago ended a failure.

The waiting is over:

Coming up next in Law Enforcement News, it's the Year-in-Review issue, featuring a look back at the many significant developments of 1999, and our annual People-of-the-Year honors. Who will it be this time? Here's a clue: They created a violent crime-suppression initiative that seemingly everyone likes (except, of course, criminals).

The shortest distance between 2 points

For drug mules, the latest route is overland on Interstate 20

An unwholesome alliance between Mexican and Colombian drug rings has caused an overland route for trading in a variety of illegal and prescription drugs to be carved straight through the center of metropolitan Atlanta and other cities that fall along Interstate 20, which begins at the United States-Mexico border, according to law enforcement officials in the Southeast.

Federal authorities contend that Mexican and Colombian drug bosses, after operating independently of each other for years, have developed a partnership over the past decade with Colombians using Mexican drivers to carry their products over the border and into the United States.

I-20 has become particularly attractive as an alternate route to old Caribbean and Atlantic crossings. Instead of dodging Coast Guard patrols, Air Force interceptors and Federal Aviation Administration radar, smugglers can be picked up I-20 at its westernmost point in El Paso, Texas, and head straight into downtown Atlanta. From there, they can get on I-75 to head for the Midwest, or I-85 for the Northeast.

"If the pressure's on in one area, then they move somewhere else," said David Luitweiler, executive assistant to the director of the Drug Enforcement Administration.

That is not to say that drug smuggling has lessened along north-south routes, according to Georgia State Patrol spokes-

Hiding in plain sight from the eyes of law enforcement.

man Gordy Wright: "At one time we saw a drop, but it's back to running like before," he told The Atlanta Journal-Constitution. "With the volume of traffic now, what law enforcement gets now is just the tip of the iceberg."

While the detour from traditional drug-trafficking routes from Florida through Georgia on Interstates 75, 95 and 85 indicates that a 10-year crackdown in South Florida has had an effect, authorities acknowledge that it does not signify a reduction in the amount of drugs on the nation's streets.

No single agency tries to tally how many pounds of drugs are confiscated by local police, which account for most arrests. What the DEA does do, however, is count its drug seizures, which points to a shift in the drug-trafficking nexus from Florida to the state along or near the Mexican border.

In Shreveport, La., the first city east of the Texas border on I-20, police pulled over a vehicle in October carrying 24 pounds of Valium. A few years ago, the only drug coming west to east was

marijuana; now police are seeing cocaine, prescription drugs and methamphetamine, said Louisiana Trooper Don Campbell.

Methamphetamine produced by large Mexican labs is a growing concern to Atlanta law enforcement officials. The city is known as the methamphetamine capital of the Southeast, said John Andrejko, a special agent in charge of the DEA's regional office.

Conyers, Ga., Police Chief Tony Lucas has made interdiction a priority for his department this year. While the illegal cargo being carried along the state's stretch of I-20 does not necessarily wind up on local streets, it can still be a danger to traffic police along the Interstate. "If you're dealing with that level of violator, the potential for violence is always increased," he told The Journal-Constitution.

Lucas purchased two K-9 dogs to sniff suspicious vehicles and has trained his traffic officers to spot possible drug couriers. Last month, police found eight pounds of marijuana on the floor of a vehicle stopped because the driver seemed suspicious. They were given probable cause to search the car after a K-9 dog indicated the presence of drugs.

"You can't put an agent at every mile of the border," Lucas told The Journal-Constitution. "As long as we're the United States of America, and we welcome everybody with open arms, then it makes it an easy route to funnel drugs."

Chicago's not-so-welcome mat:

Holding ex-housing cops to higher standards

Officers from the Chicago Housing Authority police force, which was disbanded in October, have been told they are welcome to apply to the Chicago Police Department, but no exceptions will be made for them with regard to meeting the agency's educational standard and other entrance requirements.

The 270-officer housing police force was dissolved on Oct. 29, and while the union representing CHA officers would like to see a merger with the Chicago police, such a move is opposed by the city police department and its officers' union.

While the training and qualifications to become a Chicago Housing Authority officer are similar to those required of city police, they are different enough so that a merger of the two forces is not feasible, said Pat Camden, a spokesman for the Chicago Police Department. Chief among them is a requirement that calls for 60 college credit hours.

"We have qualifications to get on our job, if you meet those qualifications and are placed in our academy and go through the process, then you will become a Chicago police officer," Camden told Law Enforcement News. "That's where it stands at this point."

The police department is encouraging the CHA officers to take the police entry exam on Jan. 5, he said. Those

who pass will be placed at the top of the list of recruits for the spring academy class.

So far, 94 CHA officers have passed the Chicago police exam, and 14 have been hired. The agency plans to bring 20 more on board by the end of the year. Of the 176 who have not taken the exam, only 30 could meet the department's requirements, according to Alderman William Beavers.

Beavers and other City Council members have threatened to make the CPD rehire the CHA officers as municipal officers. He said he would explore whether the council can legally make such a move.

Bill Nolan, president of the city's Fraternal Order of Police Lodge 7, which represents the CPD's rank-and-file, agrees with department officials, saying the CHA officers are welcome on the job as long as they can pass the force's battery of entrance exams. "There are some people who cannot come here because of their background," he said. "There were people under investigation by the CPD who left and were hired by the CHA. Those people cannot now come back."

On Oct. 18 the CHA's police officers were laid off after many failed to show up for work. The force was officially disbanded less than two weeks

later as part of the city's takeover of the housing agency. Since the layoffs, CPD officers have patrolled public housing. In January, residents will receive increased protection under a \$30-million grant from the Department of Justice, which will be used to hire 375 new police officers targeted for that purpose.

Ralph Nickisher, an attorney for the Illinois Fraternal Order of Police Labor Council, which represents the CHA officers, said the organization does not take issue with the need to put the of-

ficers through a drug screening and criminal background check, but believes the college-credit requirement to be arbitrarily enforced.

"Chicago only implemented this 60-hour thing two years ago, and in certain cases have waived that requirement," he told L.E.N. "With the last detectives' test, they didn't make the requirement necessary. It's the kind of situation where they use it for new hires, and what we're saying is, 'Wait a minute,' in fairness to these people, you terminate their jobs with two weeks

notice, a number of them have the exact same training as a police officer in Chicago, you need police officers to fill the void, so why not consider taking these people?"

Nickisher said the labor council's position all along has been to make the necessary checks and then send the officers through an abbreviated training at the academy to update them on Chicago ordinances. "You can get them back in the housing authority," he said. "They're the same faces, they're the same people in a different uniform."

Residency rules rile cops in greater St. Louis area

In weighing the pros and cons of having law enforcement officers live within city and county limits, officials from a variety of southwest Illinois jurisdictions believe the public better served by police who can be on the job within minutes in an emergency and whose presence deters crime in their own backyard.

At issue for the localities, which make up the Metro East part of the two-state Greater St. Louis area, is whether residency requirements really make a

difference if police live a reasonable distance away. The question came up recently when the St. Louis Police Board challenged the practice of two city officers who have tried to establish residency for themselves within the city, while raising their families in St. Louis County. The officers contend that they cannot get the education required for their special-needs children in St. Louis. The case is likely to end up in court where the legality of the city's residency police will be decided.

In other communities throughout the area, officials seem to be in favor of residency rules. Wood River, Ill., Mayor Lon Smith told The St. Louis Post-Dispatch that one added benefit of the city's policy is that officers who each have their own patrol cars can park in their own neighborhoods after their shifts. "We think it deters crime if they're highly visible," he said.

A residency rule also has considerable appeal for officials in Madison and St. Clair counties. "I certainly support it," said St. Clair County Board Chairman John Barcovic. "Why would we want to pay our deputies to take their weapons home with them outside the county and keep some other county's neighborhood safe? It also seems to me that public servants should live in the communities they serve," he told The

Post-Dispatch.

Housing is easy to find in Madison County, noted Sheriff Bob Churchill. "I think if you live in the county you get to know the people and the roads better," he said. Churchill agrees that having patrol cars parked in the community helps deter crime.

New officers in Belleville are given a grace period of up to 15 months to find suitable housing. Under pressure from the Justice Department, the city had dropped its residence requirement in the early 1990s in an effort to include more black and female officers in its police ranks. But the requirement was reinstated by local referendum when a large majority of Belleville residents showed they wanted police to live in their city, said Mayor Mark Kern.

"We feel that having all of your city employees (including police officers) live in the city is good for the city," he told The Post-Dispatch. "We feel it's an added incentive for them to do their jobs."

But some cities in the area believe that by relaxing their residency requirement, they will be able to draw in better qualified police candidates. In Waterloo, employees may live up to 1½ miles outside of town limits, and in Fairview Heights, police must live within a half hour's drive of the city.

GNAT pesters illicit border crossers

From the comfort of air-conditioned trailers, U.S. Border Patrol agents can scan the deserts of the Southwest for drug smugglers and illegal immigrants from Mexico, using a remote-controlled, unmanned surveillance plane as their eyes.

The \$1.3-million drone aircraft, dubbed the GNAT, is owned by the Air Force and is used by the Department of Defense for Joint Task Force 6, an anti-smuggling initiative based at Fort Bliss near El Paso. The craft has a camera on its nose that helps the ground-based pilot take off and land, said Dan Crogan of General Atomics Aeronautical Sys-

tems Inc., the San Diego firm that produced the GNAT.

Additional surveillance cameras, including a 900mm unit that allows monitors to pick up a person's image from 1½ miles away that will fill an image frame, can be switched once the plane takes flight. It also has an infrared camera for night viewing.

The 19-foot long aircraft was used previously along the U.S.-Mexico border in South Texas, but the Border Patrol, which is evaluating its usefulness, now has it an undisclosed location in southwestern New Mexico.

Agent Walter Harwell, agent in

charge at Lordsburg, N.M., told The Associated Press that the GNAT "allows us to have more coverage without more manpower. Our objective is to deter and disrupt drug traffic on the border."

Much of the drug smuggling in the Bootheel region of the state is carried out by backpackers who may walk for days across the desert, leaving shipments at designated drop-off points. From a command trailer that serves as the plane's "cockpit," agents can monitor the incoming video feeds from the GNAT's cameras. When backpackers are spotted, agents are sent in

At one time, crime victims were the primary beneficiaries of the criminal justice system. The system was about them. The victim hired an investigator, posted a reward and hired an attorney to file the charges and plead his case. Of course, those days ended after America's Colonial period; with the adoption of the Constitution and the Bill of Rights, the interests of the victim gave way to that of the state. The role of the victim evolved from being a partner in the criminal justice system to being a witness and carrier of evidence.

By the 1930s, the role of crime victims had so diminished that the Wickersham Commission, the Supreme Court and the American Bar Association all expressed grave concern that the system was out of balance. Despite those concerns, the system continued to become ever more favored in the defendant, culminating in the 1960s with an explosion of court rulings that reexamined and redefined defendants' rights. It was only in the 1970's, with the help of Federal funding, that the role of victims started to reemerge as participants in the criminal justice system. Their rights are now defined, and services are now more available to them than ever. Still, in the estimation of Susan Herman, who has been Director of the National Center for Victims of Crime since 1997, their rights and services are not often realized, largely because the victims are not properly informed and because of the disjointed nature of the services available.

For Herman, who received her B.A. from Bryn Mawr College in 1975 and her J.D. from Antioch School of Law in 1981, the full realization of their rights and the expansion of services are not enough, however. She envisions a "parallel system of justice" for crime victims; she wants a system that is about them. "I believe that we have understandably and appropriately focused an enormous amount of attention trying to have the victim's role in the criminal justice system be as useful and as valuable as possible," she opines. "But at the most basic, we are tinkering with a system that is about offenders." Ideally Herman would like



to see an entity with government authority, preferably at the municipal level, that could provide a "commanal" response by being able to provide advocacy and marshal resources and services — a kind of "one-stop shopping" for victims.

A recent survey released by the NCVC found that victims "often feel disrespected and ignored [by the criminal justice system] and that their interests and concerns are irrelevant." The good news, at least for police, is that the survey found victims to be more satisfied with law enforcement than they are with other components of the criminal justice system. Herman attributes the high

approval rating to the time police have spent over the past 10 years on training and helping officers understand the importance of the victim in the criminal justice process. Notifying victims of their rights and available services is largely the responsibility of police, who more often than not are the first responders to the crime scene. While police fared well in the NCVC survey, it's not to say their performance couldn't be improved, with Herman asserting that in many cases police are not notifying victims of their rights. With the emergence of community policing, Herman believes, police have made great strides in problem solving, but not "a lot of real, genuine partnering, particularly where victims are concerned." She suggests that one of the best ways to increase the partnership between police and crime victims is to "bring victims of crime into the academy to speak about their experience and the importance of helpful response."

Herman is no stranger to either victim advocacy or police work. She worked at the highest levels of the New York City Police Department for nearly five years, as Special Counsel to the Police Commissioner and Assistant to the Police Commissioner. During her career she has also worked for a host of advocacy organizations such as the Victim Services Agency in New York, where she was director of the Domestic Violence Division from 1990 to 1994.

From her vantage point, Herman views pro-arrest and mandatory arrest policies for domestic violence offenders "almost as an affirmative action policy." Police officers, she says, "are still so used to not seeing violence between intimates as criminal behavior, so we must take more steps to affirmatively seek arrests." Herman believes that the crime of stalking is now where domestic violence was 10 years ago. "There are still many law enforcement agencies around the country that don't know their state has created an anti-stalking law, that stalking has been criminalized."

Crime may still be going down nationwide, and in many places victim assistance policies and practices may be the rule rather than the exception, but there still an estimated 30 million victims of crime each year in America. The cold, hard truth is that for most of them, there is no help.

A LEN interview with

Susan Herman, Director of the National Center for Victims of Crime

"Over the last few years, we've seen a lot of creative problem-solving [by police]. I don't think, though, that we're seeing a lot of real, genuine partnering, particularly where victims are concerned."

LAW ENFORCEMENT NEWS: Since the late 1970s, the crime victims movement has been steadily picking up steam, with victims seeking financial and legal assistance, restitution, consultation with prosecutors regarding plea bargains, input in parole hearings and notification when offenders were released. Generally speaking, have their needs been met?

HERMAN: Over the last 30 years we've seen an enormous amount of progress in both the legal rights strand and the social services strand of the victims movement. Your question really seems to go to the legal rights strand. We now have legal rights in the form of statutes or constitutional amendments in all 50 states. We have state constitutional amendments guaranteeing victims various rights in 32 states, but every state in the union has a variety of statutes. Many of the things that you listed — the right to be informed of critical proceedings, the right to be present, the right to be heard at critical stages of the criminal justice process — these are all laws that are on the books. And from a recent study that we conducted, we know that in states where there are stronger protections for victims, victims are more satisfied. They do feel more a part of the process, they do feel more respected and they do feel that they've been included.

We also know, though, that even in states that have stronger protections, these rights are frequently not enforced. Victims don't know they have the rights, they're not given notice about them, and when they try to take advantage of these rights, they're often not permitted to by various criminal justice officials. In many states they have no enforcement mechanisms, so for some, these are hollow rights.

LEN: Why do you think this is the case? One would like to think it's not the victim's fault...

HERMAN: I think in many cases this is just something that people are not focusing on. I don't

think in large part this is a malicious or conscious effort to exclude victims; it's something that falls through the cracks, and there isn't enough monitoring or enforcement to make sure that it's happening. For instance, police departments are supposed to be handing out cards or pamphlets that inform victims of their rights, and we know that in many cases this just isn't happening.

There's very little recourse for a victim if, for instance, they were not consulted prior to a plea agreement; there's not much that victim can do. We don't have an enforcement mechanism that says that the victim's right was violated, so turn back the clock and have another sentencing hearing. Now that's partly because of where victims' rights are. In some places it's just executive law, in some cases it's by state statute, in still others it's a state constitutional amendment. But there's nothing in the U.S. Constitution. So there's a sense that while these rights have proliferated — we now afford victims much more opportunity to participate in the process — there's also a sense that we're saying they don't really rise to the level where it's a fundamental right. And that's critical.

LEN: Apparently you believe strongly that something should be done at the Federal level.

HERMAN: We do, but we think it must include an ability to enforce the rights. It's not enough to say that it's critical that victims have notice or are present or can be heard; they also have to have an opportunity to enforce those rights.

Double indemnity

LEN: Victims often complain that they feel doubly victimized: by the criminal and by the criminal justice system. For example, in giving a statement to police they are sometimes made to feel like they're being interrogated...

‘We need to think about a system that helps all crime victims who are suffering trauma, losses of money, property, mental health, and not rely on a criminal justice system that’s not designed for them anyway.’

HERMAN: I think victims often feel that they are treated as a piece of evidence, helpful only when they help prove the prosecution’s case and when they help a police officer find the bad guy. But they often feel disrespected and ignored and that their interests and concerns are irrelevant. I should say that in the survey we did, part of what we asked victims was how satisfied they were with various parts of the criminal justice system. And the part they are the most satisfied with is law enforcement. So while they may feel that the system as a whole is disrespectful and treats them poorly, it’s very significant that the performance of the law enforcement officer, who is often the first contact with the victim, was rated highly. I think a lot of time has been spent over the last 10 years providing officers with sensitivity training, helping officers understand that it’s better for everyone if they treat victims with respect. We asked victims, for instance, whether they felt that officers tried to be polite, whether they seemed to care about what happened, whether they showed interest in victims feelings, whether they gave them a chance to talk about what happened, whether they seemed interested in catching the offender, and whether they tried to gather all of the evidence necessary. We asked similar questions about other parts of the system. Law enforcement came out very well.

LEN: If the police fared well in this survey, what about the other components of the system? For example, how did prosecutors do?

HERMAN: Prosecutors didn’t do quite as well, although the prosecutors in states that had stronger protections for victims did better.

LEN: And what about corrections?

HERMAN: Corrections keeps going down. It’s only relatively recently that corrections departments have understood that crime victims are as much clients of theirs as the people in the prisons. They now are starting to realize that it’s important, and in some states mandated, that victims be told when an offender is going to be released or transferred to another institution or have a parole hearing. Those are all things the victims care an awful lot about and want timely notice of. And when they don’t get it, yes, they feel that they have been poorly treated by the system.

LEN: A growing number of states are now using automated victim-notification systems. How reliable are these systems?

HERMAN: I think that like many automated systems, they function as well as they’re programmed. If they have accurate information, they can do a thorough job, and I think they hold enormous potential for victims having access to the kind of information they need. I think every state and every jurisdiction, even the smaller jurisdictions, should look at automated notification systems, and they should look at ones where the information that goes into it is driven by the victims, where they give their own information to the system. Then if they move they’re more likely to update it and it’s much more likely to be accurate. They’re more likely to seek out information and how it works and understand it before they need to rely on it heavily. If you rely on others giving information about the victim, it’s less likely that the directions for how to use the system will be really understood.

Parallel lines

LEN: In a recent speech you talked about dealing with victims’ rights in a way that roots them in a new vision of justice. Could you describe that vision?

HERMAN: I believe that we have understandably and appropriately focused an enormous amount of attention trying to have the victim’s role in the criminal justice system be as useful and as valuable as possible. But at the most basic, we are tinkering with a system that is about offenders. It’s the state first trying to decide whether this accused actually committed the crime, and then it’s about the state saying, “You violated our laws, and this is what’s going to happen to you.” It’s not about victims trying to rebuild their lives. I do think they need to participate and can play a critical role in the criminal justice system, but I also think it’s time for society to make a similar statement to crime victims, which is, “What happened to you was wrong, and we as a society are going to help you rebuild your life.”

I’m talking about a communal response to victims just as we have a communal response to offenders. It’s saying that we will marshal all of our resources, all of the government agencies that we have, to help individual victims in the ways they need to be helped to get back on track and rebuild their lives. That means

counseling, that means medical care, that sometimes means child care or employment training and counseling, because crime victims often need to find other vocations because they can’t go back to the job they had. Sometimes it means being able to say that if you need to move because you can’t go back to your old house or neighborhood, we will give you priority help find you another place to live.

We call this the search for parallel justice because we think it’s trying to find a path for justice for victims, not just finding justice for offenders. This doesn’t in any way say that we can’t continue with the criminal justice system, with community justice and restorative justice efforts. Those are good as far as they go, but they don’t go far enough in addressing the needs of victims.

LEN: I’d like to explore the idea of “parallel justice” a little further....

HERMAN: I think it’s always important to remember that only one out of three victims ever report crimes, and only 20 percent of those cases result in arrest. So if you think about what opportunities the crime system has to provide any relief or justice for victims, you’re talking about a very small percentage of crime victims in this country. That’s why we need to think about a system that helps all crime victims who are suffering trauma, suffering losses of money, property, jobs, mental health, academic achievement, all of that. We need to find a way to help them, and not rely on a criminal justice system that’s not designed for them anyway.

LEN: Are you getting support for your idea?

HERMAN: I am excited that whenever I speak about parallel justice, I see real, instant acceptance of the idea, and a lot of curiosity about where do we go from here. My hope is that as we

going to be reported to the police, but what about other kinds of assaults?

HERMAN: You know that because that’s the law. They’re mandated to report a gunshot wound, and they’re not mandated to report domestic violence. Then again, they’re also mandated to report child abuse. Over the years we’ve created laws that mandate reporting for different kinds of abuse or crime by different people, and each one of these has been hotly debated and enacted one at a time. For example, there’s great debate about whether elder abuse should be something that is mandated to be reported, the same as child abuse is. There’s a great debate about whether domestic violence should be mandated. Right now neither is.

LEN: Should they, in your opinion?

HERMAN: In my opinion, someone who, at minimum, does not have the capacity to report to the system, in that instance there should be mandatory reporting. Or in the case of something that is so vile and is so criminal as a gunshot wound is, yes, there should be mandatory reporting. With domestic violence, at this point, I would say no. We’re at a point where we have developed enough cooperation between medical agencies, victim service agencies, domestic violence shelters, social service systems and enough public consciousness, particularly over the last five years, about the availability of services that it would be hard right now to say that there should be mandatory reporting.

LEN: How about problems regarding the treatment of victims, where medical agencies can sometimes get in the way of the investigative needs of police?

HERMAN: The doctors and nurses in the emergency room only

‘Police officers are still so used to not seeing violence between intimates as criminal behavior, so we must take more steps to affirmatively seek arrests.’

gather people who are interested in this concept, we’ll be able to think through what it would mean to operationalize it.

LEN: Do you have a model in mind?

HERMAN: Well, at the outset, we’re thinking about a system where a victim of crime could come to a government agency, say what happened and what losses were sustained and what their needs are, and then that entity could pull together all of the resources that currently exist, like victim’s compensation, victim’s services, medical care and so forth, and figure out where the gaps are. Over time you’d soon see that you need to be helping victims with housing and relocation. You need to be helping victims with drug treatment because a battered woman who is also a drug abuser has a hard time getting into a battered women’s shelter. You need to advocate for women to INS if their status is in jeopardy because their batterer is their husband. It’s a combination of advocacy and marshaling existing resources and then filling in the gaps. It means saying: “This is one-stop shopping; we’re going to make it convenient for you. We’re going to bend over backwards to do what you need.”

Typically, victim services in this country are either system-based — they’re housed within a criminal justice agency like the police department or the prosecutor’s office or the courts — or they’re entirely community-based and have no government authority. I think that the parallel justice system that we need to create needs to have government authority, so I see it as a municipal function. There’s a terrific victims’ service center in Jacksonville, Fla., that is a municipal agency that tries to coordinate various government functions; it’s actually a building that’s entirely devoted to crime victims and their issues. But in most areas in the country, you either have a system-based advocacy or community-based services, and not much else. There is no total case management, and there is also no sense that this is part of what justice means for victims.

Medical attention

LEN: How cooperative is the medical community when it comes to victims — not only treating them, but also in reporting cases of abuse and so forth? In New York, for example, it’s pretty well known that if you go to the hospital with a gunshot wound, it’s

see a suicide attempt, or only see a broken arm, or only see lots of black and blue marks, and don’t recognize it as domestic violence — particularly if they don’t track people who come to an emergency room frequently, and realize that you’ve seen this same woman over and over in the last few months. Then you have an identification problem, and I think you’re not practicing medicine well because you’re not fully understanding the problem. It’s the same in other areas. You see a gunshot wound, and you know it’s a gunshot wound, but are you also aware that perhaps it involves a gang? Perhaps it involves enough intimidation so that the teenager is too scared to leave the house, or too scared to go to school, or is risking further violence. I think that’s part of how people in an emergency room need to look at the cases in front of them.

LEN: Their counter-argument might be: “We don’t have time for this. People are coming in with real serious problems, and you want us to sit here and do all this analysis?”

HERMAN: Yes, we know. But research tells us that a gunshot victim who is released from the hospital has a far greater chance of being shot again than anyone else, and probably has a greater chance than being killed. We have wonderful programs developed in the Washington state where doctors are counseling patients about what they need to do or what they need to think about in their life so they don’t show up in the emergency room again with a gunshot wound.

To arrest, or not to arrest

LEN: With respect to domestic violence, one aspect of the problem that remains an ongoing topic for debate is the question of mandatory arrest, with some new research suggesting that, for example, if you arrest an abuser who is unemployed, it could result in more, not less, recidivism. With that in mind, how do you think police departments should proceed when it comes to arresting domestic violence offenders?

HERMAN: I think police departments now are looking very hard now at primary aggressor policies, and they’re trying to come up with very hard-to-design but critical training as to how

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LEN interview: Victim advocate Susan Herman

Continued from Page 9

to recognize the primary aggressor. Keeping in mind, then, the problem of knowing who that person is, I think mandatory and pro-arrest policies are still appropriate.

I think of mandatory and pro-arrest policies almost as an affirmative action policy; police officers are still so used to not seeing violence between intimates as criminal behavior, so we must take more steps to affirmatively seek arrests. I'm not sure we will always need that, but we do now because the tendency is still not to take it seriously. I think stalking is now where domestic violence was 10 years ago. There are still many law-enforcement agencies around the country that don't know their state has created an anti-stalking law, that stalking has been criminalized. They don't know what behaviors constitute stalking. They don't understand how lethal stalking can be, so it's not taken seriously. Every day there are police officers who will say, "Well, there's nothing I can do about it until he actually lays a hand on you, or until he actually does something harmful to hurt you. Someone just following you or making a lot of phone calls, or sending you threatening e-mail actually hasn't done anything." Well, this is stalking behavior that's criminal, and there's plenty that can be done. It's where I think we were with domestic violence 10 years ago, where people felt it's a private matter between intimates and there's nothing we can do about it anyway; so it doesn't belong in the criminal justice system. Well, the state has said otherwise; it does belong in the criminal justice system. The same holds true for stalking. It's the new arena in which we need to help victims understand how dangerous it can be, how critical early reporting is, how to recognize stalking behavior, and why it's important to act on it. And we need to help criminal justice officials understand what role they can play.

LEN: Reading between the lines of the follow-up study that suggested that arresting the offender has a different impact depending on the offender's employment status, one gets the sense that researchers are really saying that police should try to make an effort to find out if the offender is employed or unemployed, and then exercise discretion accordingly. Doesn't that fly in the face of the notion of equal protection under the law?

HERMAN: I would think it would. I think, though, that it also flies in the face of either pro-arrest or mandatory-arrest policies, which is what the country has been moving toward. Mandatory arrest is if you have probable cause, you have to, you shall arrest. Pro-arrest policies are saying, ought to, except, for instance, in New York if the woman says don't. Not every state is like that. It's mandatory if it's a violation of an order of protection, mandatory if it's a felony, mandatory if it's a misdemeanor unless the woman says no, don't.

In some pro-arrest policies, it's basically saying you shall make an arrest unless you have a good reason not to, and you feel that there would be increased danger if you did make an arrest. There's a discretion that's there, but it's encouraging an officer to make an arrest. There's a range of options for departments. But all departments, whatever their arrangements are, are struggling with trying to identify the primary aggressor and add that to the policy so that you're not making joint arrests all the time, you're not arresting both parties.

LEN: Under a recent Federal law, the Lautenberg Amendment, anyone who has ever had a misdemeanor arrest for domestic violence is prohibited from carrying a firearm — including police officers. How do you feel about that particular clause of the gun bill?

HERMAN: I think it sent a very important message to batterers, whether they're uniformed or non-uniformed. It sent a very important message that domestic violence is taken seriously, and that you shouldn't have that kind of professional responsibility if this arrest is in your life.

What's in a name?

LEN: You've mentioned previously that New York is the only state that doesn't specifically define a crime called "stalking."

HERMAN: That's true. New York criminalizes stalking behavior. There's harassment and there's aggravated harassment, so the behavior is criminal, but New York is the only state that doesn't actually use the term "stalking." So it becomes very difficult to educate people about what we're talking about and what they can do about it. Sometimes the naming of it is critical. [Editor's Note: On Nov. 22, after this interview had been conducted, New York Gov. George Pataki signed legislation creating the new offense of stalking. The offense can be a felony or a misdemeanor, depending on severity.]

I think there's a lack of understanding about what stalking is and how dangerous it can be. You hear stories about the terror

that people feel when they're afraid for their lives, afraid to leave their homes, afraid to walk down the street because they're being followed, because somebody's left a dead animal in their driveway, because somebody's left them disgusting and scary e-mails over and over again. Then after all that, after someone has maybe moved away and tried to hide her location, the stalker might send them flowers to show them they know where they live. Well, if you call the police and say, "I want you to arrest this guy because he sent me flowers," they don't understand unless they really "get" stalking, how it's just part of a pattern of behavior of terrorizing this person. We have a situation now in America where one out of every 12 women has experienced stalking at some time in their lives.

LEN: And who are these stalkers?

HERMAN: In about 60 percent of the cases, it's domestic-violence related. Most domestic violence cases that we see have some elements of stalking in them, but only 60 percent of all

'30 to 35 million Americans become victims of crime every year, and they rarely emerge unscathed by the experience. We don't have enough empathy or compassion yet to reach out and help these people rebuild their lives.'

stalking cases are domestic-violence related.

LEN: Even if a state has a stalking law on the books, and police and communities have been very well trained to identify the seriousness of it and the patterns of behavior that come with this, what can be done to change the behavior of offenders, if anything?

HERMAN: Well there's everything from batterers' groups that can be adapted to deal with stalkers to electronic monitoring of stalkers, which in many cases should go on for years and years so that a victim can always have the ability to know when someone is close. There are all kinds of programs that victims are taking advantage of, but these are extremely scary and extremely dangerous situations. It really comes down to education and talking about violence. People need to really understand what affection and love and relationships are all about, and we don't do a very good job in our society helping people understand how to have healthy relationships.

Keeping it to themselves

LEN: You mentioned so many crimes going unreported. Why do you think that is?

HERMAN: A combination of people having had a bad personal experience, so they're afraid to go into the criminal justice system because no one will care about it, or they've already been discouraged: they reported something in the past and nothing happened, nobody was found. Only 20 percent of the cases that are reported result in arrest, so that certainly discourages reporting. With certain kinds of crimes, people are told by police officers, "Don't bother reporting, nothing's going to happen." On a more profound level, in many cases people don't see how putting their case and their situation through the criminal justice system is going to help them. Because, in fact, the system is about what happens to the offender; it's not about what happened to the victim. Even if victims have maximal opportunities to participate in the criminal justice system, if they have all the rights we'd like them to have, and they're implemented and they're enforced, I believe that on some level they will still be disappointed that the system is not about them.

LEN: One often gets the feeling that society blames the victim,

and sometimes the victims blame themselves — for instance, when you hear people say, "Well, why was she jogging at that end of the park?" or, "Why did he flash around a wad of bills?" How does that kind of perspective affect policies concerning victims' rights?

HERMAN: We run up against this frequently. I think the word 'victim' has become trivialized, and has almost become a negative word in our language. People don't like the word victim and don't like victims. It ranges from, "It's their fault," to "Why can't they get over it," to "They're exaggerating." I think this is due to several reasons. I think we as a country, through our media and through our schools and various other institutions, have not helped people understand the impact of crime on individuals, on families, on neighborhoods and on our country as a whole. We focus on the offender and the incident. We also tend to put up shields and pretend that it's somebody's fault when crime happens, so that we can pretend that it will never happen to us. If it's completely your responsibility, you can pretend that you can control it and it will never happen to you. Well, we have 30 to 35 million Americans who become victims of crime every year, and they rarely emerge unscathed by the experience. We don't have enough empathy or compassion yet to reach out and help these people rebuild their lives.

Turning pain into activism

LEN: That many millions represents a very large constituency — one that, if mobilized, could probably accomplish some very big things. Is it difficult to get crime victims to mobilize for action?

HERMAN: There are many people who have come up with incredibly constructive ways to help the system — notification systems, publications that educate victims, advocating for laws that provide more opportunity to participate in the criminal justice system. There are all kinds of victim advocates who have turned their pain into activism and tried to promote a more compassionate societal response. I think victims deal with the process of coping with their trauma and their victimization differently. Some turn to activism, some turn to helping other victims, some take whatever steps they need to take to put their lives back together.

LEN: Does your agency provide a kind of switching post for these organizations? What sort of coordinating role do you play?

HERMAN: One of the services that we offer is an 800-line, 1-800-FYI-CALL, which any individual can call from around the country to find out the location of the nearest most appropriate service. We have a data base of victim services around the country, so that if you need a battered woman's shelter, or you need a victim advocate to talk to a police department, or if you want to hook up with an advocacy organization that's trying to accomplish what you'd like to accomplish as a result of your victimization, we can give you the names of places around the country to talk to. If there is no local victim advocate, or there is no local victim counselor, we step in and do what we can through telephone and e-mail and provide supportive counseling and advocacy to crime victims.

LEN: Do you also do your own lobbying or advocacy, basically trying to get legislators to pay attention?

HERMAN: We have worked on drafting model legislation, we comment on legislation, we provide testimony on the Hill, we devote a lot of time to developing public policies that will help bring resources to victims and secure and protect their rights. We recently launched something called the National Crime Victim Bar Association, which is an organization that helps promote civil litigation on behalf of crime victims, so that attorneys who would like to help crime victims can receive our publications and help them direct this area of specialization. We have a data base of civil litigation involving crime victims so we can really jumpstart research for attorneys around the country, and we also refer victims to attorneys in their area who will represent them. And that's one we're excited about.

LEN: Do you have any projects or anything going on with various crime prevention organizations? After all, one could readily see a connection — to reduce the number of victims, one should prevent crime in the first place....

HERMAN: We work with various crime prevention organizations, but the focus of our work is to forge a national commitment to help victims rebuild their lives, and we focus on individual families and communities. To the extent that people are working with crime victims and their core issues, we often find ways to collaborate, and we enjoy doing that.

'We need to understand how to reach out and serve people from different cultures as well as different neighborhoods, not try and write them off and say that there is no trauma, there is no way to help them.'

Payback time

LEN: How does the compensation of victims typically work? With all 50 states having some type of compensation agency, what are their commonalities and their differences?

HERMAN: One thing they have in common is that they all deal with violent crime. Nonviolent crime or economic crime is excluded in terms of financial compensation. So if you suffered a devastating loss of your life savings, you can't go to victims' comp to help you. But if you had your pocketbook stolen and you were knocked down to the ground, you can go to victims' comp to get some of that money returned. Victims' comp is thought of as the place to go as a last resort, the agency of last resort. So if you have health insurance or other resources that can help you, you have to go there first. States vary as to how much money they give out. The average across the country is about \$2,500. There are some states that give out all of the money they have and need more, and many other states that don't give out the amount that they have.

LEN: We've reported on some of these states that have a kind of victims' comp jackpot sitting there, and you have to wonder why.

HERMAN: I think part of the reason why is that victims don't know it's there and haven't been helped to go through all the bureaucratic hurdles you have to go through to get that money. Every victim ought to have a counselor and a victim advocate who can help them with the process and can help them get on with their life. We know that in most of the country that's not the case. And in most of the country it's a system-based person that you're going to see, which means probably there's already been an arrest.

Our goal would be that everyone should know that this help is available — we don't think that most crime victims even know that this is available — and that the payment should be as speedy as possible, between 10 and 90 days. In many cases this can take six months to a year.

LEN: Can you point to any model systems in this area?

HERMAN: When I was in Australia recently, I was fascinated to see an issue that was being hotly debated in the press, as well as at the Restoration of Victims Conference I attended. The issue in the State of Victoria, in Australia, was whether they should return to the system that they had two years ago where every crime victim, regardless of whether the perpetrator was arrested or convicted, every victim appeared before a tribunal and described the crime that they had experienced. If the tribunal believed that the person was in fact a victim of a crime, the victim received a flat payment from the state, essentially as compensation for pain and suffering. So if you were an assault victim, you got, say, \$5,000; if you were a survivor of a homicide victim, you might get \$20,000, and a burglary victim perhaps \$2,500. The proponents of this system say that this was a way for all victims to feel that the state was saying, "What happened to you was wrong, and we're going to do what we can to help you, and here's some money." In addition to that flat payment, they also received specific payment for specific losses that they suffered. So if their property was damaged in some way, or they lost work, they were compensated for that.

What they had moved to was a system where they reimbursed you for the losses that you suffered, and instead of the flat payment that you got because of the crime, they said, "Tell us what you need to rebuild your life and to recover, and we will give you the specific amount of money for that." So if you need to move to get away from the neighborhood where the crime occurred, or if you need to get job training because you lost your job and you're disabled, or if you need to have a family member move in with you because you're too afraid to live in your home alone, you'd be paid for those expenses.

I found this a fascinating debate because, of course, we do neither of these things. We only compensate people for the specific losses — property damage, lost work, medical expenses if they can't be covered elsewhere. We don't help people rebuild their lives, and we don't say the state owes you a certain amount of money because there's been a violation of our criminal law. So we don't do either of those things. It was an eye-opening experience.

LEN: Is the victim expected to know that he or she has this entitlement?

HERMAN: The state there also provides victim advocates through a state system of information and referral. Every crime victim is also entitled to 10 free therapy sessions with a licensed

psychologist, and they have victim advocates all over, who'll help you do this sort of planning.

I think we have a lot to learn looking at these two Australian models. Both of them are examples of a more compassionate societal response, of society reaching out and helping victims far more than we are here. I think it's an invitation for us to think through which way do we want to go and why.

Can we talk?

LEN: The notion of "restorative" justice often goes hand in hand with what you're describing as parallel justice. Do you think that such a process affords victims more satisfaction than the regular criminal justice system would?

HERMAN: Restorative justice to me involves trying to restore the relationship and address the harms that have been created by the criminal act. Typically, it involves an offender and a victim in dialogue, sometimes with a community representative on hand in a sort of triangular conversation. This dialogue can be post-sentencing, to try and create more understanding. Perhaps there's an apology; perhaps there's restitution, or some kind of relationship building. Or it can be post-corrections. It really depends on what kind of program you're talking about.

For many victims this can be a terrific healing experience. It has to be voluntary. Victims have to know what the process is and what it isn't. Again, typically, it's about what that offender can do to help that victim as opposed to all of what that victim may need and what can be done to help the victim. It starts from a dialogue or relationship that exists or should exist or could exist between the offender and the victim. Some victims have no desire to see their offender or have anything to do with them, but I've had long conversations with victims who went through restorative justice processes — not just in shoplifting or car-theft cases, but in murder, too — where they felt it provided a way for them to move on in their lives. It's not for everyone, but I don't see why it can't be an option as long as people do it voluntarily and really understand what it is.

LEN: Couldn't offenders fake their remorse in such a situation — you know, a few tears or something to earn them a few perks in prison or get a few days knocked off their sentences?

HERMAN: Sure, sure. I think you've touched on a very important part of restorative justice, of what the offender gets out of it. If the offender has those kinds of incentives, I think it skews the process. This is for victims and offenders who want to participate in it, and it's typically for offenders who've already admitted guilt.

LEN: The experience of crime victims certainly can differ depending on the offense. What about other factors, such as geography, socioeconomic, etc.?

HERMAN: This is something that we have to try and struggle with a little bit, that the experience of crime is very different for different people — where they're located, the neighborhood that they live in, the kind of day-to-day life they experience. For example, the experience of crime is very different for residents of urban areas, suburban areas and rural areas — very different, whether it's an everyday part of your reality or a once-in-a-lifetime situation for you.

LEN: Even different from one culture to another, one would assume....

HERMAN: Yes. We need to understand how to reach out and serve people from different cultures as well as different neighbor-

hoods, not try and write them off and say that there is no trauma, there is no way to help them. We need greater representation of people of all cultures in the victim-assistance world, and we need to talk to each other more.

Limited partners

LEN: Has the recent evolution to a community-oriented model of policing affected the dynamic between police and crime victims?

HERMAN: Well, I think a lot of the changes in the last few years may influence how people view police. It seems to me there are really two components to community policing that we emphasize. One is partnering and the other is problem solving. Over the last few years, we've seen a lot of creative problem-solving. We've seen a lot of police thinking outside the box, asking questions about how to solve the underlying causes of a problem and prevent its recurrence rather than just being incident-focused.

I don't think, though, that we're seeing a lot of real, genuine partnering, particularly where victims are concerned. We've made great strides with police understanding the importance of treating victims with sensitivity, referring them to services and listening to them. But I think police, given the community policing philosophy, can begin to see victims of crime as resources as well. They're not just people who need help and need referrals, which they are. They're more than that, they're also resources. They're people who can help solve the problem with you. That's part of where we have to go with community policing. Remember that our survey showed that victims view police most favorably of all parts of the system, but that's not saying things couldn't be better.

LEN: One would have to assume that an improved partnership in this regard would lead to better reporting of crimes.

HERMAN: You want to do whatever you can to encourage victims of crime to report, both because they will then hear about all kinds of assistance that's available to them and because by reporting it's more likely that their offender will be caught, and that maybe it will prevent future crimes. So you want to encourage reporting.

LEN: Is there anything specific in the way of training that can be provided to officers to improve their response to, and partnership with crime victims?

HERMAN: Oh, there's lots of training going on around the country. There are victims' advocates who are doing roll-call training around the country, there's all kinds of special training at conferences about the importance of listening carefully, responding with empathy, responding with information that's helpful. Victims say all the time: "If only I had been told that there was a place that would help me; no one told me." And for the most part, that responsibility falls on the shoulders of the police officer.

LEN: But do you think the necessary training is occurring in police academies?

HERMAN: I'm not saying that we're doing all the training that we need to do. There's a lot that's out there, but we need to do more. Every police academy, every POST board in the country should be training police officers in how to respond to victims. And one of the most effective ways of doing that is to invite victims of crime into the training academy to speak about their experience and the importance of helpful response. That's the most convincing way to reach officers — and victims are willing to do it.

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O'Rourke:

Crime reduction: All credit to the police?

By Hugh E. O'Rourke

"The more things change, the more they remain the same." That old adage sums up this observer's instant reaction to a recent op-ed in a New York City tabloid, "What Really Won the Drug War," written by a former top narcotics official in the NYPD.

The author, retired Chief of Narcotics Patrick J. Harnett, seems to take the position that when crime is reduced, no matter how little or for how long a short period of time, police administrators should be credited with the reduction. All reductions of crime must somehow be the result of the newest tactical approach. In my 24 years in the New York City Police Department, I learned that when crime is on the rise, blame should be laid on social forces beyond the control of the police. When crime is declining, however, please give credit to some new tactic of the NYPD.

In my time I have seen a great variety of programs to control crime. In the 1960s, police officers were generalists who approached all manner of crime from precinct patrol assignments. When neighborhoods became too rough for the local precinct, the police administrators created the Tactical Patrol Force (TPF) to assert the strong arm of the law in disorganized communities. Originally consisting of police officers at least six feet tall, the TPF won little praise for sensitivity to ethnic diversity or community relations. When community protests required a response, the units were disbanded and put under the command of borough patrol chiefs, just as the Street Crime Units are now being reassigned for exactly the same reasons.

The 1960s NYPD also focused a great deal of attention on the arrest of gamblers, who were apparently viewed as the greatest threat to New Yorkers. Police officers who made a gambling arrest were awarded three days off for their good work. Narcotics or robbery arrests never merited similar rewards. Attention to "Known Gamblers," or KGs, was a priority and the beat cop who did not

know the identity of the gambling target of the month could have been in trouble with commanders. Attention to gamblers waned when the Knapp Commission found that many of the division and borough commands were receiving large amounts of money from the gamblers.

The arrival on the scene in 1970 of the reformist Police Commissioner Patrick V. Murphy focused on remaking the department after the Knapp Commission revelations. Gambling arrests by the cop in the precinct were forbidden. Instead

City community policing officer to the nation during one of his State of the Union addresses. Lee Brown was hired as Police Commissioner on the basis of his reported success in Houston with community policing. The newly empowered police officer would become an all around municipal problem-solver with expertise in areas that for generations have defied the best efforts of professional urban administrators. Ask the current administration what happened to community policing; its pleasant sounding notions of joint police-

the answer to the drug problem? If social conditions are such as to encourage drug use and criminality in a community, other drug gangs will soon reappear. Harnett's enthusiastic description of the latest crackdown is reminiscent of the "light at the end of the tunnel" metaphor so often used by our military leaders in Vietnam. If there is a light at the end of the drug-abuse tunnel, however, it is not because of the latest tactical improvements by police.

A Sept. 19, 1999, article in The New York

Is it so impossible to believe that changing demographics, a booming economy, tightened welfare rules and community-based efforts to improve the inner cities cannot play a part in crime reduction?

of getting three days off, a cop with a penchant for arresting gamblers would be the target of an investigation. Similarly, narcotics arrests by the precinct cops were discouraged. Police administrators clung to a popular notion that cops who were active in gambling or narcotics arrests could be corrupt. These crimes were reserved for specialty units that were closely supervised and examined for any hint of corruption. Sergeants were also forbidden to visit for inspection purposes any licensed bars, lest they receive a free drink, and as such criminality and disorder grew in these once closely supervised premises.

The biggest experiment of the Murphy administration was the Neighborhood Police Team concept. The precincts that attempted to implement this program found that the precinct became polarized into two groups of cops: those that answered the radio calls and those whose main function seemed to be schmoozing with the community under the direction of a NPT sergeant. The program was manpower intensive and it faded away.

A version of the Neighborhood Police Team concept was given a second chance with the recent community policing program, which was widely touted as the answer to crime in the city. President Clinton even introduced a New York

community cooperation have dissolved under manpower pressure for crackdown programs that produce arrests.

Chief Harnett's suggestion that the tactics being used in the 33rd Precinct are the answer to narcotics dealing, or in fact are new, needs to be examined. In the 1980s the NYPD created Operation Pressure Point to deal with the flagrant drug markets in the Lower East Side. The area was flooded with foot cops who harassed drug dealers, buyers and residents in general. This type of "crackdown" involves major investments of police manpower in a concentrated area; unfortunately, drug dealers and buyers soon move somewhere else or change tactics. The department traditionally loses interest at some point and goes on to new campaigns.

After the huge investment in manpower in Operation Pressure Point, the overall citywide traffic in drugs increased. The Tactical Narcotics Teams (TNT) of the early 1990s were another form of short-term crackdown that also proved a failure. Prof. Lawrence W. Sherman's examination of 10 widely publicized crackdowns in various cities indicated that they had no lasting effect on crime.

The successful arrest of some of the drug gangs is an admirable accomplishment. However, is it

Times, "Crack's Legacy," is essentially correct in asserting that inner-city communities are somehow healing themselves of some aspects of the drug problem. Research suggests that the younger siblings of crack addicts have avoided the drug and thus the plague abated, no particular thanks to the Police Department. Conservative commentators believe that in the marketplace of ideas, good ideas in the long run will win out over bad ones, such as the notion that the use of crack is acceptable. Since the enactment of draconian Rockefeller drug laws in the 1970s, drug abuse has increased significantly. Nothing that the Police Department or the criminal justice system did during the ensuing years was successful in reducing the problem. Why should we now believe that the department has found the silver bullet to cure the problem?

Similarly, the NYPD attempts to take credit for homicide reductions. Most homicides take place indoors and thus are considered unaffected by the police. Still, the NYPD continues to claim credit for the decrease. Homicides are down throughout the United States. Cities throughout America with police departments that have not had a new idea in 100 years are experiencing decreases in homicides. The answer to crime is not with the police, but with society.

Is it so impossible to believe that changing demographics, a booming economy, tightened welfare rules and community-based efforts to improve the inner cities cannot play a part in crime reduction? Even the recent controversial theory offered by professors John J. Donohue and Steven D. Levitt that increased abortions among poor, undereducated, inner-city women have contributed to the decrease in crime by reducing the number of young inner-city males raises interesting demographic questions that require further study.

No one can argue that an effective police department is vital in crime control. However, there are other variables in the equation. The old precinct commanders were correct in the 1970s when they told those attending community meetings that crime was a result of social issues. The ever-changing police tactics can increase arrests in the short run, but are unlikely to correct the underlying reasons for criminal behavior.

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Criminal Justice Library

It's up to you, New York, New York. . .

A rare glimpse inside the NYPD's success

NYPD Battles Crime — Innovative Strategies in Policing.

By Eli B. Silverman.

Boston: Northeastern University Press, 1999.

243 pages

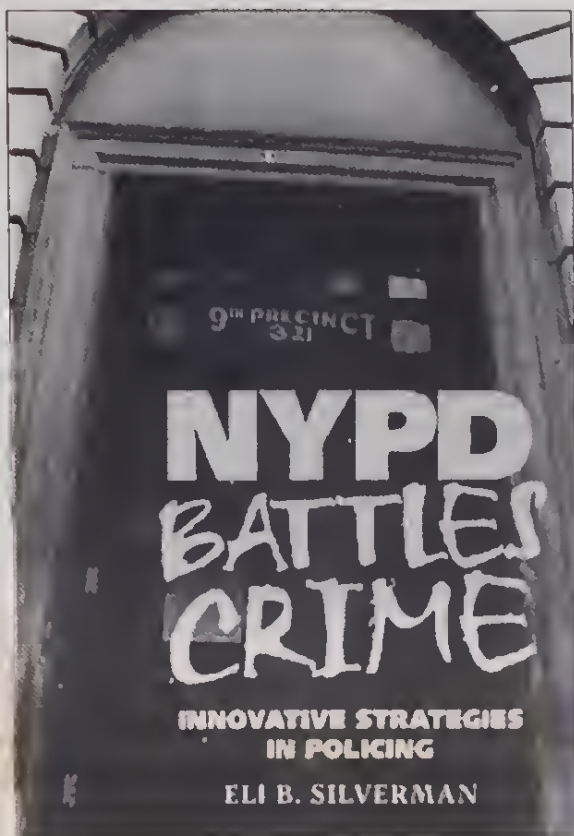
By Mark Bach

Many police departments, having adopted community policing philosophies, now report reductions in crime. Perhaps the city that gets the most attention for its efforts is New York. Given the sheer magnitude of the crime problems experienced in New York, any significant reduction in crime gets nationwide exposure. Clearly, the thought trickles down, to paraphrase the song, "If they can reduce crime there, they can reduce crime anywhere."

With this in mind, Eli B. Silverman's book provides a thoughtful history of recent changes in the New York Police Department and how they have adopted community policing precepts in that agency. The book is not intended to be a primer for all agencies but provides a great view of one agency's experience.

New York has seen its Part I crimes drop by more than 50 percent from 1993 to 1998. The declines have been consistent through that time span and appear to be a trend, not a statistical aberration. The author does a great job dispelling some "excuses" or explanations for why the reduction can't be reliable or long lasting. The first explanation would be that the department is underreporting crimes. But the NYPD actually heeded up its data integrity units and now subjects the reports to much more scrutiny than many other agencies. In addition, when murders have dropped 67 percent, it would be difficult to suspect that those crimes are being mislabeled.

Silverman examines other possible alternative



explanations for the crime downturn. The youth population in New York has been stable. Prison populations have grown somewhat in New York but misdemeanor jail populations have been steady and new admissions to prison actually declined. The unemployment rate has actually increased for some of the years in question, actually making it more likely that the jobless would get involved in criminal activity.

The reader is thus led to the conclusion that the reduction in crime must have some link to the

police activity, and so the author examines how the changes evolved in New York City.

Silverman first looks at the term of Commissioner Patrick V. Murphy in the early 1970s and how difficult it was for a reformer to bring change to such a massive organization. These insights can be applied to all agencies undergoing change, regardless of size. Staggered, methodical change was not embraced by the main troops at New York and the focus on corruption control failed to concentrate activity on the police's main functions.

As we fast-forward to 1994, the year starts off with both a new mayor, Rudolph Giuliani, and a new police commissioner, William Bratton. Silverman utilizes an incident at a Muslim mosque in Moslem, very early in Bratton's tenure, to compare differences in police administration. Ironically, a similar attack in 1972 had been handled quite differently and with significantly different results.

Bratton came from Boston with a specific, brash-sounding yearly goal of reducing crime by 10 percent, and he relied on reengineering, new administrators, motivating employees and decentralization to energize his agency.

Much attention has been given to New York's Compstat system, and this book examines in detail the evolution of the system used by New York.

The author admits to being a Compstat junkie and provides scores of examples for the reader. The biggest success of Compstat was getting accurate and timely information from all the precincts for systematic review. This allowed for crime efforts to occur soon after a trend emerges and not months later. Compstat has been replicated in other cities and won the prestigious Innovations in American Government award from the Ford Foundation and the 1996 People of the Year award from Law Enforcement. Unfortunately, in a relatively minor shortcoming, the author fails to examine the success and impact of these replications in other cities.

Silverman is quite smitten with New York's successes, and it is rare that the public is given such an inside look at a major police organization. Any police official would be well served to read this book, if only to see how the "big city folks" do community policing. Many of the acts can easily be duplicated in agencies, with similar results waiting.

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Shedding light on 'invisible consequences'

Stress Management in Law Enforcement.

Leonard Territo and James D. Sewell, eds.

Durham, N.C.: Carolina Academic Press, 1999.

416 pages; \$29.95.

By Robert A. Fox

It is a great irony that while everyday our newspapers and airways are filled with dramatic, wrenching accounts of victims and perpetrators of crime, virtually invisible and unheard of are the consequences suffered by the hundreds of thousands of American men and women who have dedicated themselves to public service and to preserving the law and order we all expect.

Those consequences are substantial, as "Stress Management in Law Enforcement," the new book from Leonard Territo and James D. Sewell, convincingly demonstrates.

Robert A. Fox is professor of physical education at John Jay College of Criminal Justice in New York.

These two extraordinarily qualified and accomplished people, who are both practitioners and academicians in the field of law enforcement, have put together a compelling collection of articles organized into eight categories, each with a brief introduction provided by the authors. Each of the categories — Understanding Stress; Stress and the Police Officer; Police Suicide; Stress and the Police Family; The Trauma of Law Enforcement; Coping with Stress; Psychological Services for Law Enforcement Personnel; and Management Issues in Dealing with Police Stress — contains several classic articles written by highly respected people in their fields. Academicians, students and police managers will find this work a valuable resource as a survey in the field of stress management.

Continued on Page 15

New Dallas chief makes his mark — pronto

Less than three months into his tenure, Dallas Police Chief Terrell Bolton is wasting no time in putting his imprint on the department, with a number of controversial moves that include the establishment of his new executive staff, the reassignment of patrol officers and the return to police headquarters the agency's intelligence unit.

Bolton, the city's first African-American police chief, promoted 12 officers to deputy chief or assistant chief and demoted nine others from those ranks. The command shakeup surprised many city officials who nonetheless praised Bolton for the level of diversity the changes will bring to the agency's upper management structure.

Among those who were demoted was Executive Assistant Chief Robert Jackson. Considered a finalist to succeed retiring Chief Ben Click before Bolton was selected by City Manager Ted Benevides, Jackson was returned to the rank of sergeant, the Civil Service rank he held before being promoted to management. Jackson has since submitted his retirement notice.

Also demoted was Executive Assistant Chief Manuel Vasquez, who is now a lieutenant.

Bolton's new command staff in-

cludes four women, three blacks, two Hispanics and the department first Asian-American chief, June Kim-Edwards. The changes reduce the number of executive officers from 23 to 17, a savings to the city of about \$1.2 million, said Bolton, who defended his decision before community leaders during a recent luncheon at St. Luke's Community United Methodist Church.

"It may take a little while for Dallas to get used to my style," he said. "But I'm not going to sugarcoat it." The changes, Bolton told his audience, were not made based on personalities, but rather on what is best for the city. "Under the old structure, it took too long to make decisions," he said. "Orders often got confused."

The anticipated savings will be used to purchase new patrol cars and other items necessary to equip the department's new street patrol officers — the result of Bolton reassigning 100 officers from desk duty. Hiring an additional 100 officers, he said, would have cost Dallas \$4.5 million.

Bolton has also ordered the 36 officers who make up the DPD Intelligence Unit to move back to police headquarters from the FBI's Dallas office. The move puts \$2.5 million in resources

back into the agency, said Bolton. The decision was criticized by FBI special agent in charge Danny Defenbaugh, but Bolton insisted that he and Defenbaugh had resolved their differences.

One lingering problem that the new Chief inherited from Click, however, is a Justice Department probe into alleged disparities in disciplinary action taken by supervisors depending on whether a subordinate is black or white.

In October, following a five-month investigation, Federal prosecutors concluded that the DPD had wrongly disciplined Senior Cpl. Lee Bush when it suspended him for two days, issued a

disciplinary notice and transferred him to night patrol duty in August 1998.

Bush had filed suit earlier that year alleging that he was disciplined by officials after filing a series of grievances.

Bush's performance evaluations were downgraded and travel opportunities were denied him when he complained about discrimination in the DPD personnel section, Justice Department officials said in a letter to Dallas City Attorney Madeleine Johnson.

The DOJ officials recommended that Bush be made a sergeant, a promotion denied him after his suspension. They also said that he should receive appro-

prate seniority and back pay, and asked that the department monitor its supervisors to prevent further acts of improper discipline.

Bush is asking to be elevated to lieutenant because he missed a subsequent promotional exam.

Bolton said that he would launch an investigation into Bush's case and look closely at those commanders involved in the episode. "I always felt that this was a serious case," he told The Dallas Morning News. "I wasn't surprised [at the Justice Department's findings], but I am disappointed in the fact that this could happen to anybody."

Calif. cops lose right to sue over false civilian complaints

Continued from Page 1

There is no recourse for an officer trying to clear his name."

Moran dismissed contentions that the law has had a chilling effect on citizen complaints. "What's clear is that the only problem in allowing peace officers to sue over false complaints is in fact that they are false complaints. I

think any citizen that has a justifiable complaint, they have no reason to fear coming forward because they can't be prosecuted for coming forward with truthful complaints."

But "even the perception of a hostile atmosphere can have the effect of discouraging complainants and keeping the number of official complaints artificially low," said Samuel Walker, a professor at the University of Nebraska and an expert on civilian complaint review boards, in an interview with The Los Angeles Times.

Merrick Bobb, a Los Angeles attorney who advises numerous law enforcement agencies, filed a brief on behalf of Gritchen, in which he said that "creating a more customer-friendly atmosphere is critical to reducing the fear and intimidation many persons feel about reporting officer misconduct." Bobb added that police could protect themselves from false complaints by pursuing perjury prosecution.

That approach is only effective, however, if the case goes to court,

Moran countered. What his organization is concerned with, he said, is that false allegations could sit in an officer's file throughout his career.

The statute was enacted by the Legislature at the behest of law enforcement groups after a police chief in San Carlos was angered by a neighbor who called him a drunkard and an incompetent. The ACLU has represented two individuals besides Gritchen who were sued for defamation when they filed complaints about alleged misconduct.

In a case involving an incident in Newhall, the dispute was settled out of court. In the other, in which a San Francisco citizen review board upheld the citizen's allegations of unnecessary force and profanity, the case was dropped. A San Francisco judge awarded the ACLU \$52,000 in attorney fees in October.

Larry Roberts, a Ventura attorney representing Long Beach Police Officer Gordon Collier, said he would appeal Taylor's ruling to the U.S. Court of Appeals for the Ninth Circuit.

Piece by piece, creating a mosaic of troubled youth

Continued from Page 1

collects these risk factors base on actual cases and organizes them in a way so we can have consistent approach."

Montgomery likens the program to a "three-ring notebook" which will give school officials a more in-depth view of an existing area of responsibility. While the cost of the program has not yet been determined, Montgomery described it as "very affordable," at less than \$10,000 for high schools.

One of the key benefits of Mosaic-2000 to school administrators is the detailed documentation it provides of a troubled student so that parents will not be able to challenge an official's judgment as too subjective, said Steve Dackin, principal of Reynoldsburg High School in Ohio. "I see this as being a useful tool," he told The Times.

Mosaic programs are currently used by the Bureau of Alcohol, Tobacco and Firearms as part of its investigation of abortion-clinic bombings, said Andrew L. Vita, the agency's associate director for field operations. The ATF is in the process of developing a program in conjunction with the U.S. Department of Education to train school administrators in dealing with homemade explosives on campus. "We are trying to get

some of our focus and resources up front of violence, in violence prevention, violence avoidance," said Vita.

For the past 10 years, the software's manufacturer, Gavin de Becker Inc., has developed risk-assessment programs for such law-enforcement areas as domestic violence, threats to the safety of the Supreme Court and the governors of 11 states, the company told The Times.

"School administrators would use Mosaic-2000 only in situations that reach a certain threshold (e.g., a student makes a threat, brings a weapon to school, teachers or students are concerned a student might act out violently)," according to de Becker's Web site, www.gdbinc.com. The system, it says, "merely brings organizations and expert opinion to a process every principal already has."

James Perrotti, chief of police at Yale University, has been using the Mosaic-2 software for five years to assess threats received by students and faculty. One of the experts who contributed to the development of Mosaic-2000, Perrotti said it was "not a real predictor, but it's the next best thing." The system, he noted, had helped to nip potentially violent situations in the bud.

Headlines are not enough

Affirmative-action programs looking a little black & blue
The jury is still out on community policing
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Police force is too much
It's a mother

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Shedding light on 'invisible consequences'

Continued from Page 13

ment in law enforcement. I plan to use it as collateral reading for my own course on the subject at John Jay College of Criminal Justice.

It is important to note that, to its credit, the book explores several topic areas where previous literature has often feared to tread. In particular, Ellen M. Scrivner's "Controlling Police use of Excessive Force: The Role of the Police Psychologist," Sewell's "Administrative Concerns in Law Enforcement Stress Management," Bill Rehm's "Retirement: A New Chapter, Not the End of the Story," and the articles contained in the Stress and The Police Family section represent cutting-edge concerns of stress management experts in policing.

While the individual categories are pertinent, the book might have been improved with more provocative, probing introductions and discussions of each category. The introductions to each category average less than two pages and presented little more than cursory summaries of the articles contained therein. This deprives the reader of the insights that these two highly experienced and qualified authors might have provided. In particular, the introduction to the opening section, "Understanding Stress," should have introduced stress more broadly as a generic phenomenon with a little history and development of the field. Perhaps the addition of at least one other article to provide the reader with a basic understanding of the field of stress would have helped the less sophisticated reader comprehend the two remaining articles in the section, which tend to be technical.

As with most complex human phenomena, stress in law enforcement is often difficult to pin down and presents several Catch-22 scenarios. Stress and many of its assumptions and implications go against the very grain of police training and culture. In a paramilitary macho culture, men and women are loath to admit to any feelings of emotional weakness. Denial, false bravado and an aversion to seeking help are part of the law enforcement way of life, and violators of that credo risk scorn and rejection by their peers and superiors. The typical police officer's mind set is that of self-sufficiency, a strong will and an inner toughness to overcome any and all pressures. He or she can handle anything and that process and mindset is considered within the culture to be reaffirming rather than debilitating. Furthermore, stress in law enforcement is an accumulation of many factors,

not the least of which is the environment created by police bureaucracy.

This project thus presented a classical dilemma for the authors, where full disclosure could jeopardize their harmonious relationships within their own field. For example, the article "Stress and Police Officer Performance: An Examination of Effective Coping Behavior," by Stephen R. Band and Caroline A. Manuele, offers this revealing insight: "Contrary to expectations, officers stated that they experienced the most stress from problems with the internal bureaucracy of the police department. Specific comments focus on feelings

of not being supported by the department, problems with incompetent supervisors and lack of recognition for their work." Other articles, including "The Police Stress Hypothesis: A Critical Evaluation," by Thomas E. Malloy and G. Larry Mays, and "Police Cynicism: Causes and Cures," by Wallace Graves, clearly identify the internal conditions of law enforcement as a major or the single biggest stressor in the field.

While the introduction to section eight, Management Issues in Dealing with Police Stress, does touch on internal issues as stressors, and Sewell's article on administrative concerns goes into a little

more detail, the examination of the entire police culture as a major contributor to stress and cynicism for the law enforcement officer is an area of study that continues to cry out for more intense scrutiny.

That shortcoming notwithstanding, this is one of the few texts that covers many of the relevant categories and classic articles in the emerging field of stress management in law enforcement. For this reason it is important, and should become a familiar sight on the library shelves of criminal justice educators, institutions, and serious practitioners.

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What They Are Saying:

"Our concern is what recourse does a peace officer have when his good name has been disparaged by a citizen?"

— Kelly Moran of the California Organization of Police and Sheriffs, reacting to a Federal court ruling that overturned the right of police officers in the state to sue those who file false civilian complaints. (Story, Page 1.)